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The official publication for all official notices of rulemaking
and filing of proposed, adopted and emergency rules.

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Telephone: (505) 476-7941; Fax: (505) 476-7910; E-mail: staterules@state.nm.us.

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New Mexico Register

Volume XXXV, Issue 16

August 27, 2024

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Notices of Rulemaking and Proposed Rules

ALBUQUERQUE- BERNALILLO COUNTY AIR QUALITY CONTROL BOARD

NOTICE OF RULEMAKING HEARING TO CONSIDER AMENDING EXISTING RULE 20.11.8 NMAC- AMBIENT AIR QUALITY STANDARDS

The Albuquerque-Bernalillo County Air Quality Control Board ("AQCB") will hold a public hearing on October 9, 2024 at 5:30 p.m. to consider AQCB Petition No. 2024-1, filed by the City of Albuquerque Environmental Health Department ("EHD"). The hearing is expected to last approximately one hour, with deliberation to take place immediately after or at a separate board meeting. The hearing will be held at One Civic Plaza NW, Albuquerque NM 87102. Final hearing details will be posted online. See the Contact Information below for ways to learn more and receive updates.

Contact Information.

Websites: www.cabq.gov/airquality/air-quality-control-board and www.cabq.gov/airquality/regulation-development/public-notices-and-comment-opportunities.
Phone: Anita SdeArmijo, AQCB Hearing Clerk, at 505-768-1915.
Email: airboard@cabq.gov.
In-Person Address: EHD, One Civic Plaza NW, 3rd Floor, Room 3023, Albuquerque, NM 87102 during normal business hours.
Postal Mail Address: EHD, P.O. Box 1293, Albuquerque, NM 87103.

Hearing Details The proposed regulatory change would amend existing rule 20.11.8 NMAC- *Ambient Air Quality Standards*, to incorporate by reference the most up to date national ambient air quality standards and state air quality standards. The proposed regulatory changes would update the date of incorporation for 20.11.8.11 NMAC, 20.11.8.12 NMAC, and to update the table in

20.11.8.13 NMAC. This amendment is necessary to ensure that the federal standards are enforceable locally.

The docket, including copies of the proposed regulatory change, is accessible on the web at www.cabq.gov/airquality/air-quality-control-board under the heading "Rulemaking Procedures" on the AQCB's website. The proposed, amended text is identified in the record as Exhibit B to EHD's petition. Copies may also be obtained by contacting the AQCB Hearing Clerk. EHD charges fifty (50) cents per page for paper copies.

The hearing will be conducted in accordance with the Air Quality Control Act, NMSA 1978, Section 74-2-6; the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994, Section 9-5-1-6; Bernalillo County Code, Article II, Section 30-35; 20.11.82 NMAC, Rulemaking Procedures-AQCB; and other applicable procedures, including any pre-hearing orders.

Public Participation. AQCB hearings are open to the public and all interested persons are encouraged to participate. All interested persons will be given a reasonable opportunity to submit relevant data, views or arguments, orally or in writing, and to examine witnesses by filing a notice of intent to present technical testimony ("NOI"), filing an entry of appearance, or participating as a member of the general public.

Technical Testimony. Persons intending to present technical testimony must file a written NOI at least fifteen (15) days before the hearing. In addition to any requirements a pre-hearing order may have, an NOI shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their education and work background; (3) include a copy of the direct testimony of each technical witness

and state the anticipated duration of the testimony of that witness; (4) include the text of any recommended modifications to the proposed regulatory change; (5) list and attach an original copy of all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules; and (6) be served pursuant to 20.11.82.16 NMAC and pre-hearing orders, including served on EHD. Unless otherwise provided for in a pre-hearing order, the filing of an NOI shall be accomplished by delivering the document to the AQCB Hearing Clerk via email, in-person, or postal mail address listed in the contact information above.

Entry of Appearance. Any person who is or may be affected by the proposed regulatory change may file and serve upon all parties an entry of appearance at least fifteen (15) days prior to the hearing date and shall be a party. In the event of multiple entries of appearance by those affiliated with one interest group, the hearing officer may consolidate the entries or divide the service list to avoid a waste of public resources. A timely NOI shall be considered an entry of appearance.

Non-Technical Testimony/Public Comment. Any member of the general public may present non-technical testimony. No prior notification is required. Any member of the public may also offer non-technical exhibits in connection with non-technical testimony, as long as the non-technical exhibit is not unduly repetitious of previous testimony. A member of the general public who wishes to submit a non-technical written statement for the record instead of oral testimony shall file the written statement prior to the hearing or submit it at the hearing. Unless otherwise provided for in a pre-hearing order, written statements submitted prior to the hearing shall be delivered to the AQCB Hearing Clerk in the same manner as described above for filing a NOI.

Notice to Persons with Disabilities or Special Needs. If you have a disability or require special assistance to participate in this process, including interpretation or an auxiliary aid, please contact the AQCB Hearing Clerk as soon as possible but no later than seventy-two (72) hours before the hearing. Those in need of hearing assistance can call 711.

Nondiscrimination Notice. The AQCB does not discriminate on the basis of race, color, national origin, sex, age or disability. If you believe you have been discriminated against, you may submit a complaint at www.cabq.gov/airquality/non-employee-discrimination-complaints. You may also contact Amanda Trujillo, Executive Assistant, General Services Division, at (505) 768-2534 or civilrights@cabq.gov.

Nếu bạn muốn thông báo này được dịch sang tiếng Việt, vui lòng truy cập www.cabq.gov/airquality/regulation-development/public-notices-and-comment-opportunities và sử dụng tính năng Dịch ở đầu trang.

**AVISO DE AUDIENCIA DE
REGLAMENTACIÓN PARA
CONSIDERAR LA ENMIENDA
A LA NORMATIVA VIGENTE
20.11.8 NMAC- NORMAS DE
CALIDAD DEL AIRE POR
PARTE DE LA JUNTA DE
CALIDAD DEL AIRE DEL
CONDADO DE ALBUQUERQUE-
BERNALILLO**

La Junta de Calidad del Aire del Condado de Albuquerque-Bernalillo (AQCB, por sus siglas en inglés) llevará a cabo una audiencia para considerar la Petición No. 2024-1 de la AQCB, presentada por el Departamento de Salud Ambiental de la Ciudad de Albuquerque (EHD, por sus siglas en inglés). La audiencia durará todo el tiempo que se requiera para escuchar todo el testimonio, prueba, y opinión pública, pero se espera que su duración sea de aproximadamente una hora, con deliberaciones inmediatamente

después o en una audiencia siguiente. La audiencia se realizará en el edificio One Civic Plaza NW, Albuquerque, NM 87102. Los detalles finales de la audiencia serán publicados en línea. Vea la información de contacto a continuación para saber más y recibir actualizaciones.

Información de contacto.

Páginas web: www.cabq.gov/airquality/air-quality-control-board and www.cabq.gov/airquality/regulation-development/public-notices-and-comment-opportunities.
Teléfono: Anita SdeArmijo, secretaria de audiencia de la AQCB, al (505) 768-1915.

Correo electrónico: airboard@cabq.gov.

Dirección en persona: EHD, One Civic Plaza NW, 3rd Floor, Room 3023, Albuquerque, NM 87102 durante horario comercial normal.
Dirección de correo postal: EHD, P.O. Box 1293, Albuquerque, NM 87103.

Detalles de la Audiencia. El cambio normativo propuesto enmendaría la normativa vigente 20.11.8 del Código Administrativo de Nuevo México (NMAC, por sus siglas en inglés)- Normas de Calidad del Aire, para incorporar por referencia las normas Federales y las normas estatales más recientes para la calidad del aire. Las revisiones propuestas regulatorias consisten en la actualización de la fecha de incorporación en 20.11.8.12 NMAC y la tabla de normas en 20.11.8.13 NMAC. Esta enmienda es necesario para asegurar que las normas Federales sean ejecutables al nivel local.

Se puede acceder al expediente normativo, incluyendo copias del cambio normativo propuesto, en la página <https://www.cabq.gov/airquality/air-quality-control-board> bajo el encabezado "Rulemaking Procedures" (Procedimientos de Normativas) en la página de la AQCB. El texto propuesto de enmienda de normativa se identifica en el registro como Anexo B a la petición 2024-1 del EHD. También se pueden obtener copias comunicándose

con la Secretaria de Audiencias de la AQCB. El EHD cobra cincuenta (50) centavos por página por proveer copias en papel.

La audiencia se llevará a cabo de acuerdo al Acta de Control de Calidad del Aire de los Estatutos Anotados de Nuevo México (NMSA, por sus siglas en inglés), 1978, Sección 74-2-6; Ordenanza de la Junta de Calidad del Aire, Ordenanzas Revisadas de Albuquerque 1994, Sección 9-5-1-6; Código del Condado de Bernalillo, Artículo II, Sección 30-35; 20.11.82 NMAC, Procedimientos de Normativas-AQCB; y otros procedimientos aplicables, incluyendo todas las órdenes previas a la audiencia.

Participación pública. Las audiencias de la AQCB están abiertas al público y se les alienta a participar a todas las personas interesadas. De conformidad con 20.11.82 NMAC, todas las personas interesadas se les otorgará una oportunidad razonable para presentar datos relevantes, opiniones o argumentos, de forma oral o escrita, e interrogar a testigos luego de completar un aviso de intención de presentar testimonio técnico (NOI, por sus siglas en inglés), una actuación de comparecencia, o al participar como miembro del público general.

Testimonio técnico. Las personas que pretendan presentar testimonio técnico deberán completar un NOI escrita al menos quince (15) días antes de la audiencia. Además de todos los requisitos que una orden previa a la audiencia debe tener, un NOI deberá: (1) identificar a la persona en favor de la cual testificará el testigo; (2) identificar a cada testigo técnico que la persona quiera presentar e indicar las calificaciones de ese testigo, incluyendo una descripción de sus antecedentes de educación y de trabajo; (3) incluir una copia del testimonio directo de cada testigo técnico e indicar la duración estimada del testimonio de ese testigo; (4) incluir el texto de todas modificaciones recomendadas

al cambio normativo propuesto; (5) enumerar y adjuntar una copia original de todas las pruebas que se espera que esa persona ofrezca en la audiencia, incluyendo todas las declaraciones de las razones propuestas para la adopción de las normativas; y (6) ser notificado de conformidad a 20.11.82.16 NMAC y a las órdenes previas a la audiencia, incluidas las del EHD Salvo que se proporcionen en una orden previa a la audiencia, un NOI se debe completar y enviar a la Secretaria de Audiencia de la AQCB por medio de correo electrónico, en persona o correo postal que se detalla en la información de contacto.

Actuación de comparecencia.

Cualquier persona que se vea o pueda verse afectada por el cambio normativo propuesto puede completar y presentar una personación a todas las partes al menos quince (15) días antes de la fecha de la audiencia y queda constituido como parte. En el caso de que haya múltiples personaciones de aquellos afiliados con un grupo de interés, el oficial de audiencia puede combinar esas actuaciones o dividir la lista de servicio para evitar un gasto de recursos públicos. Un NOI oportuno será considerado una actuación de comparecencia.

Testimonio no técnico/opinión pública.

Cualquier miembro del público general puede presentar un testimonio no técnico. No se necesita notificación previa. Cualquier miembro del público también puede presentar pruebas no técnicas junto con el testimonio no técnico, siempre y cuando la prueba no técnica no sea excesivamente repetitiva de testimonios anteriores. Un miembro del público general que desee entregar una declaración por escrito para el registro en lugar de testimonio oral deberá presentarlo antes o durante la audiencia. A menos que se entreguen en una orden previa a la audiencia, las declaraciones por escrito presentadas antes de la audiencia deberán entregarse a la secretaria de audiencia de la AQCB, de la misma forma en la

que se debe enviar un NOI, como se indicó anteriormente.

Aviso para personas con discapacidades o necesidades especiales. Si usted tiene una discapacidad o requiere de asistencia especial para participar en este proceso, incluyendo interpretación o una asistencia auxiliar, comuníquese con la secretaria de audiencia de AQCB lo antes posible, pero no después de setenta y dos (72) horas antes de la audiencia. Aquellos que necesiten asistencia auditiva pueden llamar al 711.

Aviso de no discriminación. La AQCB no discrimina por motivos de raza, color, nacionalidad de origen, sexo, edad o discapacidad. Si usted cree que se lo ha discriminado, puede enviar una queja a www.cabq.gov/airquality/non-employee-discrimination-complaints. También puede comunicarse con Amanda Trujillo, asistente ejecutiva, División de Servicios Generales, al (505) 768-2534 o civilrights@cabq.gov.

**ALBUQUERQUE-
BERNALILLO COUNTY
AIR QUALITY CONTROL
BOARD**

**NOTICE OF RULEMAKING
HEARING TO CONSIDER
REPEALING AND REPLACING
EXISTING RULE 20.11.42 NMAC,
OPERATING PERMITS**

The Albuquerque-Bernalillo County Air Quality Control Board (“AQCB”) will hold a public hearing October 9, 2024 at 5:30 p.m. to consider AQCB Petition No. 2024-2, filed by the City of Albuquerque Environmental Health Department (“EHD”). The hearing is expected to last approximately one hour, with deliberation to take place immediately after or at a separate board meeting. The hearing will be held at One Civic Plaza NW, Albuquerque, NM 87102. Final hearing details will be posted online. See the Contact Information below

for ways to learn more and receive updates.

Contact Information.

Websites: www.cabq.gov/airquality/air-quality-control-board and www.cabq.gov/airquality/regulation-development/public-notices-and-comment-opportunities.
Phone: Anita SdeArmijo, AQCB Hearing Clerk, at 505-768-1915.
Email: airboard@cabq.gov.
In-Person Address: EHD, One Civic Plaza NW, 3rd Floor, Room 3023, Albuquerque, NM 87102 during normal business hours.
Postal Mail Address: EHD, P.O. Box 1293, Albuquerque, NM 87103.

Hearing Details. The proposed regulatory change would repeal and replace existing rule 20.11.42 NMAC, *Operating Permits*, to remove any Title V operating permit affirmative defense provisions, pursuant to changes in 40 CFR 70.6(g) and 71.6(g). The proposed regulatory change would remove 20.11.42.16(E) NMAC. This action is necessary to be in conformance locally with federal law.

The docket, including copies of the proposed regulatory change, is accessible on the web at www.cabq.gov/airquality/air-quality-control-board under the heading “Rulemaking Procedures” on the AQCB’s website. The proposed, amended text is identified in the record as Exhibit B to EHD’s 2024-02 petition. Copies may also be obtained by contacting the AQCB Hearing Clerk. EHD charges fifty (50) cents per page for paper copies.

The hearing will be conducted in accordance with the Air Quality Control Act, NMSA 1978, Section 74-2-6; the Joint Air Quality Control Board Ordinance, Revised Ordinances of Albuquerque 1994, Section 9-5-1-6; Bernalillo County Code, Article II, Section 30-35; 20.11.82 NMAC, Rulemaking Procedures-AQCB; and other applicable procedures, including any pre-hearing orders.

Public Participation. AQCB hearings are open to the public and all interested persons are encouraged to participate. Pursuant to 20.11.82 NMAC, all interested persons will be given a reasonable opportunity to submit relevant data, views or arguments, orally or in writing, and to examine witnesses by filing a notice of intent to present technical testimony (“NOI”), filing an entry of appearance, or participating as a member of the general public.

Technical Testimony. Persons intending to present technical testimony must file a written NOI at least fifteen (15) days before the hearing. In addition to any requirements a pre-hearing order may have, an NOI shall: (1) identify the person for whom the witness(es) will testify; (2) identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their education and work background; (3) include a copy of the direct testimony of each technical witness and state the anticipated duration of the testimony of that witness; (4) include the text of any recommended modifications to the proposed regulatory change; (5) list and attach an original copy of all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules; and (6) be served pursuant to 20.11.82.16 NMAC and pre-hearing orders, including served on EHD. Unless otherwise provided for in a pre-hearing order, the filing of an NOI shall be accomplished by delivering the document to the AQCB Hearing Clerk via email, in-person, or postal mail address listed in the contact information above.

Entry of Appearance. Any person who is or may be affected by the proposed regulatory change may file and serve upon all parties an entry of appearance at least fifteen (15) days prior to the hearing date and shall be a party. In the event of multiple entries of appearance by those affiliated with one interest group, the hearing officer

may consolidate the entries or divide the service list to avoid a waste of public resources. A timely NOI shall be considered an entry of appearance.

Non-Technical Testimony/Public Comment. Any member of the general public may present non-technical testimony. No prior notification is required. Any member of the public may also offer non-technical exhibits in connection with non-technical testimony, as long as the non-technical exhibit is not unduly repetitious of previous testimony. A member of the general public who wishes to submit a non-technical written statement for the record instead of oral testimony shall file the written statement prior to the hearing or submit it at the hearing. Unless otherwise provided for in a pre-hearing order, written statements submitted prior to the hearing shall be delivered to the AQCB Hearing Clerk in the same manner as described above for filing a NOI.

Notice to Persons with Disabilities or Special Needs. If you have a disability or require special assistance to participate in this process, including interpretation or an auxiliary aid, please contact the AQCB Hearing Clerk as soon as possible but no later than seventy-two (72) hours before the hearing. Those in need of hearing assistance can call 711.

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Nếu bạn muốn thông báo này được dịch sang tiếng Việt, vui lòng truy cập www.cabq.gov/airquality/regulation-development/public-notices-and-comment-opportunities và sử dụng tính năng Dịch ở đầu trang.

AVISO DE AUDIENCIA DE REGLAMENTACIÓN PARA CONSIDERAR LA DEROGACIÓN Y REEMPLAZO A LA NORMATIVA VIGENTE 20.11.42 NMAC- PERMISOS DE OPERACIÓN POR PARTE DE LA JUNTA DE CALIDAD DEL AIRE DEL-CONDADO DE ALBUQUERQUE-BERNALILLO

La Junta de Calidad del Aire del Condado de Albuquerque-Bernalillo (AQCB, por sus siglas en inglés) llevará a cabo una audiencia para considerar la Petición No. 2024-2 de la AQCB, presentada por el Departamento de Salud Ambiental de la Ciudad de Albuquerque (EHD, por sus siglas en inglés). La audiencia durará todo el tiempo que se requiera para escuchar todo el testimonio, prueba, y opinión pública, pero se espera que su duración sea de aproximadamente una hora, con deliberaciones inmediatamente después o en una audiencia siguiente. La audiencia presencial se realizará en el edificio One Civic Plaza NW, Albuquerque, NM 87102. Los detalles finales de la audiencia serán publicados en línea. Ve a la información de contacto a continuación para saber más y recibir actualizaciones.

Información de contacto.
 Páginas web: www.cabq.gov/airquality/air-quality-control-board and www.cabq.gov/airquality/regulation-development/public-notices-and-comment-opportunities.
 Teléfono: Anita SdeArmijo, secretaria de audiencia de la AQCB, al 505-768-1915.
 Correo electrónico: airboard@cabq.gov.
 Dirección en persona: EHD, One Civic Plaza NW, 3rd Floor, Room 3023, Albuquerque, NM 87102 durante horario comercial normal.
 Dirección de correo postal: EHD, P.O. Box 1293, Albuquerque, NM 87103.

Detalles de la Audiencia. El cambio normativo propuesto se derogará y reemplazará la normativa vigente 20.11.42 del Código Administrativo

de Nuevo México (NMAC, por sus siglas en inglés)-Permisos de Operación, para eliminar las disposiciones de defensa afirmativa de Título V, de conformidad con 40 CFR 70.6(g) y 71.6(g). El cambio normativo propuesto consiste en la derogación de 20-11-42-16(E) NMAC. Esta iniciativa es necesario para la conformidad de las normas locales con las normas federales.

Se puede acceder al expediente normativo, incluyendo copias del cambio normativo propuesto, en la página www.cabq.gov/airquality/air-quality-control-board, bajo el encabezado "Rulemaking Procedures" (Procedimientos de Normativas) en la página de la AQCB. El texto propuesto de enmienda de normativa se identifica en el registro como Anexo B a la petición 2024-2 del EHD. También se pueden obtener copias comunicándose con la Secretaria de Audiencias de la AQCB. El EHD cobra cincuenta (50) centavos por página por proveer copias en papel.

La audiencia se llevará a cabo de acuerdo al Acta de Control de Calidad del Aire de los Estatutos Anotados de Nuevo México (NMSA, por sus siglas en inglés), 1978, Sección 74-2-6; Ordenanza de la Junta de Calidad del Aire, Ordenanzas Revisadas de Albuquerque 1994, Sección 9-5-1-6; Código del Condado de Bernalillo, Artículo II, Sección 30-35; 20.11.82 NMAC, Procedimientos de Normativas-AQCB; y otros procedimientos aplicables, incluyendo todas las órdenes previas a la audiencia.

Participación pública. Las audiencias de la AQCB están abiertas al público y se les alienta a participar a todas las personas interesadas. De conformidad con 20-11-82 NMAC, todas las personas interesadas se les otorgará una oportunidad razonable para presentar datos relevantes, opiniones o argumentos, de forma oral o escrita, e interrogar a testigos luego de completar un aviso de intención de presentar testimonio técnico

(NOI, por sus siglas en inglés), una actuación de comparecencia, o al participar como miembro del público general.

Testimonio técnico. Las personas que pretendan presentar testimonio técnico deberán completar un NOI escrita al menos quince (15) días antes de la audiencia. Además de todos los requisitos que una orden previa a la audiencia debe tener, un NOI deberá: (1) identificar a la persona en favor de la cual testificará el testigo; (2) identificar a cada testigo técnico que la persona quiera presentar e indicar las calificaciones de ese testigo, incluyendo una descripción de sus antecedentes de educación y de trabajo; (3) incluir una copia del testimonio directo de cada testigo técnico e indicar la duración estimada del testimonio de ese testigo; (4) incluir el texto de todas modificaciones recomendadas al cambio normativo propuesto; (5) enumerar y adjuntar una copia original de todas las pruebas que se espera que esa persona ofrezca en la audiencia, incluyendo todas las declaraciones de las razones propuestas para la adopción de las normativas; y (6) ser notificado de conformidad a 20.11.82.16 NMAC y a las órdenes previas a la audiencia, incluidas las del EHD Salvo que se proporcionen en una orden previa a la audiencia, un NOI se debe completar y enviar a la Secretaria de Audiencia de la AQCB por medio de correo electrónico, en persona o correo postal que se detalla en la información de contacto.

Actuación de comparecencia. Cualquier persona que se vea o pueda verse afectada por el cambio normativo propuesto puede completar y presentar una personación a todas las partes al menos quince (15) días antes de la fecha de la audiencia y queda constituido como parte. En el caso de que haya múltiples personaciones de aquellos afiliados con un grupo de interés, el oficial de audiencia puede combinar esas actuaciones o dividir la lista de servicio para evitar un gasto de

recursos públicos. Un NOI oportuno será considerado una actuación de comparecencia.

Testimonio no técnico/opinión pública. Cualquier miembro del público general puede presentar un testimonio no técnico. No se necesita notificación previa. Cualquier miembro del público también puede presentar pruebas no técnicas junto con el testimonio no técnico, siempre y cuando la prueba no técnica no sea excesivamente repetitiva de testimonios anteriores. Un miembro del público general que desee entregar una declaración por escrito para el registro en lugar de testimonio oral deberá presentarlo antes o durante la audiencia. A menos que se entreguen en una orden previa a la audiencia, las declaraciones por escrito presentadas antes de la audiencia deberán entregarse a la secretaria de audiencia de la AQCB, de la misma forma en la que se debe enviar un NOI, como se indicó anteriormente.

Aviso para personas con discapacidades o necesidades especiales. Si usted tiene una discapacidad o requiere de asistencia especial para participar en este proceso, incluyendo interpretación o una asistencia auxiliar, comuníquese con la secretaria de audiencia de AQCB lo antes posible, pero no después de setenta y dos (72) horas antes de la audiencia. Aquellos que necesiten asistencia auditiva pueden llamar al 711.

Aviso de no discriminación. La AQCB no discrimina por motivos de raza, color, nacionalidad de origen, sexo, edad o discapacidad. Si usted cree que se lo ha discriminado, puede enviar una queja a www.cabq.gov/airquality/non-employee-discrimination-complaints. También puede comunicarse con Amanda Trujillo, asistente ejecutiva, División de Servicios Generales, al (505) 768-2534 o civilrights@cabq.gov.

**ENVIRONMENT
DEPARTMENT
WATER QUALITY CONTROL
COMMISSION**

**NOTICE OF PUBLIC HEARING
FOR PROPOSED SITE SPECIFIC
COPPER CRITERIA FOR
STREAM SEGMENTS ON THE
PAJARITO PLATEAU**

The Water Quality Control Commission (“WQCC”) will hold a public hearing beginning on **October 8, 2024**, immediately following the WQCC’s regularly scheduled meeting, which starts at 9:00 am and continuing thereafter as necessary. The hearing shall be conducted in-person in Room 307 at the New Mexico State Capitol, 411 S. Capitol Street, in Santa Fe, New Mexico and remotely via the WebEx video conferencing platform. The hearing will last as long as required to hear all testimony, evidence, and public comment. Detailed information concerning the time and location and the WebEx link can be found on the New Mexico Environment Department’s (“NMED’s”) Event calendar at <https://www.env.nm.gov/events-calendar/>. Please visit the WQCC website prior to the hearing for any updates at <https://www.env.nm.gov/opf/water-quality-control-commission/>. The Commission may make a decision on the proposed regulatory change at the conclusion of the hearing.

The purpose of the public hearing is to consider Triad National Security, LLC’s, Newport News Nuclear BWXT-Los Alamos, LLC’s, and the United States Department Of Energy, Office Of Environmental Management’s Petition For Rulemaking To Amend Subsections I & J of 20.6.4.900 NMAC to add site-specific water quality criteria for copper for stream segments on the Pajarito Plateau, in accordance with Subsection F of 20.6.4.10 NMAC. The proposed regulations may be reviewed online at <https://www.env.nm.gov/opf/water-quality-control-commission/>. Technical information

that served as a basis for the proposed rule was filed in docket number WQCC 24-31 (R) as exhibits to the Petition and may be viewed online at <https://www.env.nm.gov/opf/docketed-matters/> and may also be obtained from the Petitioners upon request to N3Boutreach@em-la.doe.gov. Persons who wish to review a physical copy of the proposed amendments should contact the WQCC Administrator at the address provided below.

All interested persons will be given reasonable opportunity at the hearing to submit relevant evidence, data, views, and arguments, orally or in writing; to introduce exhibits; and to examine witnesses.

Pursuant to 20.1.6.202 NMAC and the Pre-Hearing Order issued by the hearing officer on August 2, 2024, those wishing to present direct technical testimony must file a written notice of intent to present technical testimony with the WQCC Administrator **on or before 5:00 p.m. Mountain Standard Time on September 13, 2024**. Those wishing to present rebuttal technical testimony must file a written notice of intent to present rebuttal technical testimony with the WQCC Administrator **on or before 5:00 p.m. Mountain Standard Time on September 27, 2024**.

Notices of intent to present technical testimony should reference the name of the regulation, the date of the hearing, and the docket number, **WQCC 24-31(R)**.

The form and content of the notice of intent to present technical testimony shall:

- Identify the person for whom the witness(es) will testify;
- Identify each technical witness the person intends to present and state the qualifications of that witness, including a description of their education and work background;
- Include a copy of the full written direct or rebuttal testimony

of each technical witness in narrative form;

- Include the text of any recommended modifications to the proposed regulatory change; and
- List and attach all exhibits anticipated to be offered by that person at the hearing, including any proposed statement of reasons for adoption of rules.

Notices of intent to present direct and rebuttal technical testimony shall be filed with:

Pamela Jones, WQCC Administrator
New Mexico Environment
Department
Harold Runnels Building
P.O. Box 5469
Santa Fe, NM 87502
Telephone: (505) 660-4305
Email: pamela.jones@env.nm.gov

Those wishing to do so may offer non-technical public comment at the hearing in person or remotely via the WebEx platform. The Hearing Officer will hold a public comment session at 1pm on October 8, 2024. Non-technical written statements may be submitted in lieu of oral testimony at or before the hearing.

The hearing will be conducted in accordance with the WQCC Rulemaking Procedures (20.1.6 NMAC); the Water Quality Act, Sections 74-6-1 to -17 NMSA 1978 (1967 as amended through 2019); the State Rules Act, Section 14-4-5.3 NMSA 1978, other applicable procedures and any Procedural Order or Scheduling Order issued by the WQCC or Hearing Officer. These documents are available online at <https://www.env.nm.gov/opf/docketed-matters/> or by contacting the WQCC Administrator at pamela.jones@env.nm.gov.

If any person requires assistance, an interpreter or auxiliary aid to participate in this process, please contact Pamela Jones, WQCC Administrator, at the above address, at least 14 days prior to the hearing date.

(TDD or TTY users please access the number via the New Mexico Relay Network, 1-800-659-1779 (voice); TTY users: 1-800-659-8331).

STATEMENT OF NON-DISCRIMINATION

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Parts 5 and 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact: Kate Cardenas, Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502 or (505) 827-2855 or nd.coordinator@env.nm.gov. If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact NMED's Non-Discrimination Coordinator identified above.

AVISO DE AUDIENCIA PÚBLICA PARA LA PROPUESTA DE CRITERIOS ESPECÍFICOS DEL SITIO PARA EL COBRE EN LOS SEGMENTOS DE ARROYOS EN LA MESETA DE PAJARITO

La Comisión de Control de Calidad del Agua ("WQCC" por sus siglas en inglés) llevará a cabo una audiencia pública a partir del **8 de octubre de 2024**, inmediatamente después de la reunión programada regularmente de la WQCC, que comienza a las 9:00 a. m. y continuará después según sea necesario. La audiencia se llevará a cabo en persona en la Sala 307

del Capitolio del Estado de Nuevo México, 411 S. Capitol Street, en Santa Fe, Nuevo México y de forma remota a través de la plataforma de videoconferencia WebEx. La audiencia durará el tiempo que sea necesario para escuchar todos los testimonios, pruebas y comentarios públicos. Puede encontrar información detallada sobre la hora y el lugar y el enlace de WebEx en el calendario de eventos del Departamento de Medio Ambiente de Nuevo México ("NMED") en <https://www.env.nm.gov/events-calendar/>. Visite el sitio web de la WQCC antes de la audiencia para obtener actualizaciones en <https://www.env.nm.gov/opf/water-quality-control-commission/>. La Comisión puede tomar una decisión sobre el cambio regulatorio propuesto al finalizar la audiencia.

El propósito de la audiencia pública es considerar la Petición de Reglamentación para Enmendar Subsecciones I y J de 20.6.4.900 NMAC de Triad National Security, LLC, Newport News Nuclear BWXT-Los Alamos, LLC y la Oficina de Gestión Ambiental del Departamento de Energía de los Estados Unidos para agregar criterios de calidad del agua específicos del sitio para el cobre en los segmentos de arroyos en la meseta de Pajarito, de acuerdo con Subsección F de 20.6.4.10 NMAC. Las regulaciones propuestas se pueden revisar en línea en <https://www.env.nm.gov/opf/water-quality-control-commission/>. La información técnica que sirvió como base para la regla propuesta se presentó en el expediente número WQCC 24-31 (R) como pruebas instrumentales a la Petición y se puede ver en línea en <https://www.env.nm.gov/opf/docketed-matters/> y también se puede obtener de los Peticionarios mediante solicitud a N3Boutreach@em-la.doe.gov. Las personas que deseen revisar una copia impresa de las enmiendas propuestas deben comunicarse con la administradora de la WQCC a la dirección que figura a continuación.

A todas las personas interesadas se les dará una oportunidad razonable en la audiencia para presentar pruebas, datos, opiniones y argumentos pertinentes, en forma oral o por escrito; para presentar pruebas instrumentales; y para interrogar a testigos.

De conformidad con el artículo 20.1.6.202 NMAC y la orden previa a la audiencia emitida por el funcionario de audiencias el 2 de agosto de 2024, quienes deseen presentar un testimonio técnico directo deben presentar un aviso por escrito de la intención de presentar un testimonio técnico ante la administradora de la WQCC a más tardar **hasta las 5:00 p. m., hora estándar de las montañas, del 13 de septiembre de 2024**. Quienes deseen presentar un testimonio técnico de refutación deben presentar un aviso por escrito de la intención de presentar un testimonio técnico de refutación ante la administradora de la WQCC a más tardar **hasta las 5:00 p. m., hora estándar de las montañas, del 27 de septiembre de 2024**.

Los avisos de intención de presentar un testimonio técnico deben hacer referencia al nombre de la regulación, la fecha de la audiencia y el número de expediente, **WQCC 24-31(R)**.

La forma y el contenido del aviso de intención de presentar un testimonio técnico deberá:

- Identificar a la persona para quien el testigo o los testigos testificarán;
- Identificar a cada testigo técnico que la persona pretende presentar y establecer las calificaciones de ese testigo, incluida una descripción de su educación y experiencia laboral;
- Incluir una copia del testimonio escrito completo, directo o de refutación, de cada testigo técnico en forma narrativa;
- Incluir el texto de cualquier modificación recomendada al cambio regulatorio propuesto; y
- Enumerar y adjuntar todas las pruebas instrumentales que se prevé que esa persona ofrezca en la audiencia, incluida cualquier

declaración propuesta de motivos para la adopción de normas.

Los avisos de intención de presentar testimonio técnico directo y de refutación se deben presentar ante: Pamela Jones, administradora de la WQCC
Departamento de Medio Ambiente de Nuevo México
Harold Runnels Building
P.O. Box 5469
Santa Fe, NM 87502
Teléfono: (505) 660-4305
Correo electrónico: pamela.jones@env.nm.gov

Quienes deseen hacerlo pueden ofrecer comentarios públicos no técnicos en la audiencia en persona o de forma remota a través de la plataforma WebEx. El oficial de audiencias llevará a cabo una sesión de comentarios públicos a la 1:00 p. m. del 8 de octubre de 2024. Se pueden presentar declaraciones escritas no técnicas en lugar de testimonio oral en la audiencia o antes de ella. Los comentarios escritos sobre la regla propuesta se pueden dirigir a Pamela Jones, administradora de WQCC, a la dirección antes mencionada, o por correo electrónico a: Pamela.Jones@env.nm.gov y deben hacer referencia al número de expediente **WQCC 24-31(R)**.

La audiencia se llevará a cabo de conformidad con los Procedimientos de Elaboración de Normas de WQCC (20.1.6 NMAC); la Ley de Calidad del Agua, secciones 74-6-1 a -17 NMSA 1978 (1967 con sus enmiendas hasta 2019); la Ley de Reglas Estatales, sección 14-4-5.3 NMSA 1978, otros procedimientos aplicables y cualquier orden de procedimiento u orden de programación emitida por la WQCC o el funcionario de audiencias. Estos documentos están disponibles en línea en <https://www.env.nm.gov/opf/docketed-matters/> o comunicándose con la administradora de la WQCC en pamela.jones@env.nm.gov.

Si alguna persona necesita asistencia, un intérprete o ayuda auxiliar

para participar en este proceso, comuníquese con Pamela Jones, administradora de la WQCC, a la dirección indicada anteriormente, al menos 14 días antes de la fecha de la audiencia. (Los usuarios de TDD o TTY pueden acceder al número a través de la red de retransmisión de Nuevo México, 1-800-659-1779 (voz); usuarios de TTY: 1-800-659-8331).

DECLARACIÓN DE NO DISCRIMINACIÓN

El NMED no discrimina por motivos de raza, color, origen nacional, discapacidad, edad o sexo en la administración de sus programas o actividades, tal y como exigen las leyes y reglamentos aplicables. El NMED es responsable de la coordinación de los esfuerzos de cumplimiento y de la recepción de las consultas relativas a los requisitos de no discriminación implementados por el 40 C.F.R. Partes 5 y 7, incluyendo el Título VI de la Ley de Derechos Civiles de 1964, según enmendada; la Sección 504 de la Ley de Rehabilitación de 1973; la Ley de Discriminación por Edad de 1975, el Título IX de las Enmiendas de Educación de 1972, y la Sección 13 de las Enmiendas de la Ley Federal de Control de la Contaminación del Agua de 1972. Si tenga alguna pregunta sobre este aviso o sobre cualquiera de los programas, políticas o procedimientos de no discriminación de NMED, puede comunicarse con Kate Cárdenas, coordinadora de no discriminación, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, nd.coordinator@env.nm.gov. Si usted cree que ha sido discriminado con respecto a un programa o actividad del NMED, puede comunicarse con la coordinadora de no discriminación identificada anteriormente.

SUPERINTENDENT OF INSURANCE, OFFICE OF

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Office of Superintendent of Insurance (OSI or Superintendent), Managed Health Care Bureau (MHCB) will hold a public hearing in person, via video conference and telephone conference regarding proposed amendments to 13.10.17 NMAC, Grievance Procedures. **This hearing will commence on Friday, September 27, 2024, at 10:00 a.m.**

PURPOSE OF THE PROPOSED RULE:

The purpose of this rulemaking is to address amendments to 13.10.17 NMAC, Grievance Procedures. The proposed amendments to 13.10.17 NMAC address: **1)** exemptions in the scope of the rule in Subsection B of 13.10.17.2 NMAC; **2)** assistance to grievants in Subsection C of 13.10.17.9 NMAC; **3)** the assistance required to be given to insured from the health care insurer and from the MHCB and to explain the role of the MHCB in Paragraph (4) of Subsection A of 13.10.17.10 NMAC; **4)** the extension of the internal panel review from five to 15 days in Paragraph (7) of Subsection B of 13.10.17.15 NMAC; **5)** eligibility requirements for grievants subject to the New Mexico Health Care Purchasing Act for an external review through OSI after an internal review by the health care insurer and review board in Subsection C of 13.10.17.18 NMAC; **6)** the details of initiation of an expedited review in Subsection A of 13.10.17.21 NMAC; **7)** the IRO number of clinical reviewers in Subsection C of 13.10.17.23 NMAC and Paragraph (3) of Subsection D of 13.10.17.22 NMAC; **8)** amendments to the Superintendent's hearing procedures in Subsection H of 13.10.17.24 NMAC; **9)** updates to contact information in Subsection C of 13.10.17.15 NMAC, Subsection B of 13.10.17.21 NMAC, and Subsection A of 13.10.17.31 NMAC; and **10)** extends the time available for review of an administrative grievance by the Superintendent from 45 days to 60 days in 13.10.17.33 NMAC.

STATUTORY AUTHORITY:

Sections 59A-1-16, 59A-2-8, 59A-2-9, 59A-15-16, 59A-16-3, 59A-16-11, 59A-16-12, 59A-16-12.1, 59A-16-20, 59A-16-22, 59A-19-4, 59A-19-6, 59A-22A-7, 59A-46-10, 59A-46-11, 59A-57-1 through 59A-57-11 NMSA 1978.

TO ATTEND THE HEARING IN

PERSON: Office of Superintendent of Insurance - 1120 Paseo de Peralta, (PERA Building), 4th Floor Hearing Room, Santa Fe, NM 87501

PLEASE NOTE: The entrance to the PERA Building is on the ground floor. All guests must sign in with the ground floor receptionist and then will be escorted to the 4th Floor Hearing Room. Please give yourself extra time to check in before 10:00 a.m.

TO ATTEND THE HEARING BY ELECTRONIC VIDEO CONFERENCE VIA MS TEAMS MEETING:

Please copy the link below into your browser to get to the meeting:

https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F%2Fmeetup-join%2F19%3Ameeting_ZGMxYzhmNmYtNjhlOS00MmFkLTIjMDktYTdlZGM3NmJiNWfk%40thread.v2%2F0%3Fcontext%3D%257b%2522Ti d%2522%253a%252204aa6bf4-d436-426f-bfa4-04b7a70e60ff%2522%252 c%2522Oid%2522%253a%252292f8 d9f0-87c0-44c3-9357-ba0eb6121f10 %2522%257d%26anon%3Dtrue&typ e=meetup-join&deeplinkId=e70f1cfc-f2f1-4347-ad03-98d1067de0f8&direc tDI=true&msLaunch=true&enableMo bilePage=true&suppressPrompt=true

TO ATTEND VIA TELEPHONE:

+1 505-312-4308 Phone Conference ID: 855675742#

PUBLIC COMMENT: The Superintendent designates Clifford Rees as the hearing officer for this hearing. Oral comments will be accepted at the public hearing from members of the public and other interested parties in-person or electronically. Copies of the Notice of

Proposed Rulemaking and proposed rules are available by electronic download from the OSI eDocket (<https://edocket.osi.state.nm.us/case-view/5972>) or by requesting a copy by calling Gurrattanpal “Mickey” Singh at: 505-231-9013. Any copies of the Notice of Proposed Rulemaking, proposed rules, and any updates concerning the hearing date, time, or location will be available by visiting the OSI website at: <https://www.osi.state.nm.us/pages/bureaus/legal/resources/laws-rules> or on the Sunshine Portal at: https://statenm.my.salesforce-sites.com/public/SSP_RuleHearingSearchPublic (from the “Agency” drop down menu, select “Office of Superintendent of Insurance”)

Written comments will be accepted through 4:00 p.m. on Friday, September 27, 2024. Responses to written or oral comments delivered at the hearing will be accepted through 4:00 p.m. on Monday, October 8, 2024.

All comments shall be filed electronically through the OSI eDocket. Please copy the following link into your browser to get to the eDocket: <https://edocket.osi.state.nm.us/case-view/5972>

Written comments may be sent via U. S. mail to:

**OSI Records and Docketing
NM Office of Superintendent of Insurance
P.O. Box 1689, Santa Fe, NM
87504-1689**

Written comments must be received by OSI and stamped as accepted between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday except on state holidays. The Superintendent will consider all oral comments and will review and consider all timely submitted written comments and written responses. For help submitting a filing, please contact osi-docketfiling@state.nm.us. **The below docket number and title must be indicated on all written comments submitted to the OSI:**

Docket No. 2024-0060 – Please copy the following link into your browser to get to the eDocket: <https://edocket.osi.state.nm.us/case-view/5972>

**IN THE MATTER OF
AMENDMENTS TO 13.10.17
NMAC, GRIEVANCE
PROCEDURES**

SPECIAL NEEDS: Any person with a disability requiring special assistance to participate in the hearing should contact Andrea Padilla, at 505-531-7171 no later than ten (10) business days prior to the hearing.

**End of Notices of
Rulemaking and
Proposed Rules**

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Adopted Rules

Effective Date and Validity of Rule Filings

Rules published in this issue of the New Mexico Register are effective on the publication date of this issue unless otherwise specified. No rule shall be valid or enforceable until it is filed with the records center and published in the New Mexico Register as provided in the State Rules Act. Unless a later date is otherwise provided by law, the effective date of the rule shall be the date of publication in the New Mexico Register. Section 14-4-5 NMSA 1978.

GAME AND FISH DEPARTMENT

**TITLE 19 NATURAL
RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND
FISHING
PART 6 MIGRATORY
GAME BIRD**

19.31.6.1 ISSUING
AGENCY: New Mexico department of game and fish.
[19.31.6.1 NMAC - Rp, 19.31.6.1 NMAC, 9/1/2024]

19.31.6.2 SCOPE:
Sportspersons interested in migratory game bird management and hunting. Additional requirements may be found in Chapter 17 NMSA 1978 and Title 19 NMAC.
[19.31.6.2 NMAC - Rp, 19.31.6.2 NMAC, 9/1/2024]

19.31.6.3 STATUTORY
AUTHORITY: Section 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected mammals, birds and fish.
[19.31.6.3 NMAC - Rp, 19.31.6.3 NMAC, 9/1/2024]

19.31.6.4 DURATION:
September 1, 2024 - March 31, 2025.
[19.31.6.4 NMAC - Rp, 19.31.6.4 NMAC, 9/1/2024]

19.31.6.5 EFFECTIVE
DATE: September 1, 2024, unless a later date is cited at the end of a section.
[19.31.6.5 NMAC - Rp, 19.31.6.5 NMAC, 9/1/2024]

19.31.6.6 OBJECTIVE:
Establishing open hunting seasons, regulations, rules and procedures governing the issuance of migratory game bird licenses and permits by the department.
[19.31.6.6 NMAC - Rp, 19.31.6.6 NMAC, 9/1/2024]

19.31.6.7 DEFINITIONS:
A. “Bernardo pond unit” shall mean that portion of Bernardo wildlife management area extending approximately 3,500 feet south of U.S. 60 and 2,200 feet west of the Unit 7 drain.

B. “Bernardo youth unit” shall mean that portion of Bernardo wildlife management area immediately south of the Quagmire, west of the San Francisco ditch, and east of the unit 7 drain.

C. “Central flyway” shall mean that portion of New Mexico east of the continental divide.

D. “Dark goose” shall mean Canada goose or white-fronted goose.

E. “Department” shall mean the New Mexico department of game and fish.

F. “Director” shall mean the director of the New Mexico department of game and fish.

G. “Dove north zone” or “north zone” shall mean that portion of New Mexico north of Interstate 40 from the Arizona-New Mexico border to Tukumcari and U.S. 54 at its junction with Interstate 40 at Tukumcari to the New Mexico-Texas border.

H. “Dove south zone” or “south zone” shall mean that portion of New Mexico south of Interstate 40 from the Arizona-New Mexico border to Tukumcari and U.S. 54 at its junction with Interstate 40 at Tukumcari to the New Mexico-Texas border.

I. “Eastern New Mexico sandhill crane hunt area” or “eastern” shall mean the following counties: Chaves, Curry, De Baca, Eddy, Lea, Quay and Roosevelt.

J. “Estancia valley sandhill crane hunt area” or “EV” shall mean that area beginning at Mountainair bounded on the west by N.M. 55 north to N.M. 337, north to N.M. 14, and north to Interstate 25; on the north by Interstate 25 east to U.S. 285; on the east by U.S. 285 south to U.S. 60; and on the south by U.S. 60 from U.S. 285 west to N.M. 55 in Mountainair.

K. “Falconry” shall mean hunting migratory game birds using raptors.

L. “Federal youth waterfowl hunting days” shall mean the special seasons where only those 17 years of age and younger may hunt ducks, coots and gallinules in the Pacific flyway or ducks and coots in the central flyway. A supervising adult at least 18 years of age must accompany the youth hunter. The adult may not hunt ducks, coots or gallinules, but may participate in other seasons that are open on the special youth days.

M. “Light geese” shall mean snow geese, blue phase snow geese and Ross’s geese.

N. “Light goose conservation order” shall mean those methods, bag and possession limits and dates approved by the U.S. fish and wildlife service towards reducing over-abundant light goose populations.

O. “Middle Rio Grande valley (MRGV) dark goose hunt area” shall mean Sierra, Socorro and Valencia counties.

P. “Middle Rio Grande valley (MRGV) sandhill crane hunt area” shall mean Valencia and Socorro counties.

Q. “Migratory game bird” shall mean band-tailed pigeon, mourning dove, white-winged dove, sandhill crane, American coot, gallinule, snipe, ducks, geese, sora and Virginia rail.

R. “North zone” shall mean that portion of the Pacific flyway north of Interstate 40, and that portion of the central flyway north of Interstate 40 from the continental divide to Tucumcari and U.S. 54 at its junction with Interstate 40 at Tucumcari to the New Mexico-Texas border.

S. “Pacific flyway” shall mean that portion of New Mexico west of the continental divide.

T. “Possession limit” shall mean the number of birds in a person’s possession regardless of the location stored.

U. “Quagmire” shall mean that portion of Bernardo wildlife management area south of U.S. 60, west of the San Francisco ditch, and east of the unit 7 drain, excluding the Bernardo youth unit at the southern tip.

V. “South zone” shall mean that portion of the Pacific flyway south of Interstate 40, and that portion of the central flyway south of Interstate 40 from the continental divide to Tucumcari and U.S. 54 at its junction with Interstate 40 at Tucumcari to the New Mexico-Texas border.

W. “Southwest band-tailed pigeon hunting area” or “southwest BPHA” shall mean that portion of New Mexico both south of U.S. 60 and west of Interstate 25.

X. “Southwest New Mexico sandhill crane hunt area” or “SW” shall mean that area bounded on the south by the New Mexico-Mexico border; on the west by the New Mexico-Arizona border north to Interstate 10; on the north by Interstate 10 east to U.S. 180, north to N.M. 26, east to N.M. 27, north to N.M. 152, and east to Interstate 25; on the east by Interstate 25 south to Interstate 10, west to the Luna county line, and south to the New Mexico-Mexico border.

Y. “Unit D” shall mean only the ephemeral pond or wetland portion of Bernardo WMA contained within the area extending approximately 1,700 feet north of U.S. 60, east of the railroad tracks, and west of the unit 7 drain.

Z. “Wildlife management areas” or “WMAs” shall mean those areas as described in 19.34.5 NMAC Wildlife Management Areas. [19.31.6.7 NMAC - Rp, 19.31.6.7 NMAC, 9/1/2024]

19.31.6.8 ADJUSTMENT OF SANDHILL CRANE PERMITS: The director, with verbal concurrence of the chairperson or their designee, may adjust the number of permits to address significant changes in harvest levels. This adjustment may be applied to any or all of the entry hunt codes. [19.31.6.8 NMAC - Rp, 19.31.6.8 NMAC, 9/1/2024]

19.31.6.9 LICENSE AND APPLICATION REQUIREMENTS:
A. License: A Harvest Information Program (HIP) number shall be required. Waterfowl hunters 16 years of age and older are required to have in their possession a federal migratory bird hunting and conservation stamp (duck stamp). It shall be unlawful to take or attempt to take migratory birds without a HIP number, or duck stamp if required.

(1) Any person taking or attempting to take sandhill cranes in the eastern hunt area must have a valid license and a free sandhill crane hunting permit obtained from department offices or website.

(2) For EV sandhill crane, MRGV sandhill crane, MRGV youth-only sandhill crane and SW sandhill crane: in addition to a valid license, a special permit obtained by drawing shall be required.

(3) For the light goose conservation order: in addition to a valid license, a free light goose conservation order permit obtained from department offices or website shall be required.

(4) For band-tailed pigeon hunting: in addition to a valid license, a free band-tailed pigeon permit obtained from department offices or website shall be required.

B. Valid dates of license or permit: All permits and licenses shall be valid only for the dates, legal sporting arms, bag limit and area printed on the permit or license. [19.31.6.9 NMAC - Rp, 19.31.6.9 NMAC, 9/1/2024]

19.31.6.10 MANNER AND METHODS FOR MIGRATORY GAME BIRDS:

A. Hours: Migratory game birds may be hunted or taken only during the period from one-half hour before sunrise to sunset, unless otherwise stated in rule.

(1) Migratory bird hunting hours on the Bottomless lakes overflow, and Bernardo, Casa Colorada, Jackson lake, La Joya and W.S. Huey WMAs shall be from one-half hour before sunrise to 1:00 p.m. unless otherwise stated in rule.

(2) September teal hunting hours on Bernardo and La Joya WMAs are from one-half hour before sunrise to sunset.

(3) Light goose conservation order hunting hours, including Bernardo pond unit and Unit D, shall be from one-half hour before sunrise to one-half hour after sunset. Exceptions: Bottomless lakes overflow, Bernardo Quagmire, and Casa Colorada, Jackson lake, La Joya and W.S. Huey WMAs hunting hours shall be from one-half hour before sunrise to 1:00 p.m.

B. Lands and waters owned, administered, controlled or managed by the state game commission:

(1) State wildlife management areas open, species that can be hunted and days open for hunting:

(a)
Bernardo WMA:
(i) That portion of the Bernardo WMA south of U.S. 60 is open to teal

hunting each day of the September teal season and the federal youth waterfowl hunting days. That portion of the Bernardo WMA north of U.S. 60 is closed unless otherwise stated in rule.

(ii) The Quagmire shall be open only on Tuesday, Thursday and Sunday to hunt ducks, geese, Virginia rail, sora, gallinule, American coot and snipe during established seasons, unless otherwise specifically allowed by rule.

(iii) The Bernardo pond unit shall be open for general waterfowl hunting and during the light goose conservation order on Monday, Wednesday and Saturday to hunt ducks, geese, Virginia rail, sora, gallinule, American coot and snipe during established seasons, unless otherwise specifically allowed by rule.

(iv) The Bernardo youth unit shall be open for youth waterfowl hunting on Monday, Wednesday and Saturday to hunt ducks, geese, Virginia rail, sora, gallinule, American coot and snipe during established seasons, unless otherwise specifically allowed by rule.

(v) Unit D shall be open for general waterfowl hunting and during the light goose conservation order on Monday, Wednesday and Saturday to hunt ducks, geese, Virginia rail, sora, gallinule, American coot and snipe during established seasons, unless otherwise specifically allowed by rule.

(b) The Edward Sargent, W. A. Humphries, Rio Chama, Urraca, Colin Neblett, Water canyon, Marquez/LBar and Elliot S. Barker WMAs shall be open for hunting dove and band-tailed pigeon during established seasons.

(c) The portion of Jackson lake WMA west of N.M. 170 shall be open on Mondays, Wednesdays and Saturdays to hunt ducks, geese, Virginia rail, sora, gallinule, American coot and snipe. The portion of Jackson lake WMA east of N.M. 170 shall be open to falconry-only migratory game bird hunting during established seasons.

(d) The lesser prairie-chicken management areas, Double E and River Ranch WMAs shall be open to hunt dove during established seasons.

(e) La Joya WMA:
(i) the entire La Joya WMA shall be open to teal hunting each day of the September teal season and each day of the federal youth waterfowl hunting days;

(ii) that portion of La Joya WMA north of the main east/west entrance road and west of the railroad tracks shall be open on Saturdays, Mondays and Wednesdays to hunt ducks, geese, Virginia rail, sora, gallinule, American coot and snipe during established seasons, unless otherwise specifically allowed by rule;

(iii) that portion of La Joya WMA south of the main east/west entrance road and west of the railroad tracks shall be open on Sunday, Tuesday and Thursday to hunt ducks, geese, Virginia rail, sora, gallinule, American coot and snipe during established seasons, unless otherwise specifically allowed by rule;

(iv) that portion of La Joya WMA east of the railroad tracks shall be open to hunt dove, ducks, geese, Virginia rail, sora, gallinule, American coot and snipe during established seasons.

(f) The Charette lake, McAllister lake, Wagon Mound, Tucumcari, Socorro-Escondida, Hammond tract and Retherford tract WMAs shall be open for all migratory game bird hunting during established seasons.

(g) The W.S. Huey WMA shall be open for dove hunting on Monday, Wednesday and Saturday during established seasons.

(2) All WMAs shall be open to falconry waterfowl hunting each day of the established falconry season, unless otherwise restricted by rule.

[19.31.6.10 NMAC - Rp, 19.31.6.10 NMAC, 9/1/2024]

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19.31.6.11 SPECIES, OPEN AREAS, SEASON DATES AND DAILY BAG LIMITS: 2024-2025 season, all dates are 2024 unless otherwise specified. Possession limits are three times the daily bag limit unless otherwise specified.

species	open areas	season dates	daily bag limit
mourning and white-winged dove	north zone	Sept. 1 - Nov. 29	15 (singly or in aggregate)
	south zone	Sept. 1 - Oct. 28 and Dec. 1 - Jan. 1, 2025	
band-tailed pigeon	southwest BPHA	Oct. 1 - 14	2
	statewide except southwest BPHA	Sept. 1 - 14	
regular season sandhill crane (free permit required)	eastern	Oct. 26 - Jan. 23, 2025	3 (6 in possession)

CENTRAL FLYWAY: possession limits are three times the daily bag limit unless otherwise specified.

species	season dates	daily bag limit
September teal: blue-winged teal, green-winged teal and cinnamon teal	Sept. 14 - 22	6 (singly or in the aggregate)
ducks	north zone: Oct. 12 - Jan. 15, 2025	6 (singly or in the aggregate) that consists of no more than 5 mallard of which only 2 may be female mallard, (Mexican ducks are included towards the mallard bag limit), 3 wood duck, 1 scaup, 2 redhead, 2 hooded merganser, 1 pintail and 2 canvasback
	south zone: Oct. 28 - Jan. 31, 2025	
youth waterfowl days	north zone: Oct. 5 - 6	Ducks: 6 (singly or in the aggregate) that consists of no more than 5 mallard of which only 2 may be female mallard, (Mexican ducks are included towards the mallard bag limit), 3 wood duck, 1 scaup, 2 redhead, 2 hooded merganser, 1 pintail and 2 canvasback Coots: 15
	south zone: Oct. 26 – Oct. 27	
American coot	north zone: Oct. 12 - Jan. 15, 2025	15
	south zone: Oct. 28 - Jan. 31, 2025	
gallinule	Sept. 14 - Nov. 22	1
snipe	Oct. 12 - Jan. 26, 2025	8
Virginia rail & sora	Sept. 14 - Nov. 22	10 (singly or in the aggregate; 20 in possession)
dark goose: regular season closed in Sierra, Socorro and Valencia counties	Oct. 17 - Jan. 31, 2025	5
dark goose: special MRGV season	Dec. 19 - Jan. 31, 2025	2 (2 per season)
light goose	Oct. 17 - Jan. 31, 2025	50 (no possession limit)
light goose conservation order	Feb. 1 - Mar. 10, 2025	no bag or possession limit

PACIFIC FLYWAY: possession limits are three times the daily bag limit unless otherwise specified.

Species	season dates	daily bag limit
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youth waterfowl days	Oct. 12 - 13	Ducks: 7 (singly or in the aggregate) that consists of no more than 2 female mallard, 2 redhead, 1 pintail and 2 canvasback; Coots and gallinules: 25 (singly or in the aggregate)
Ducks	Oct. 19 - Jan. 31, 2025	7 (singly or in the aggregate); that consists of no more than 2 female mallard, 2 redhead, 1 pintail and 2 canvasback
Scaup	Oct. 19 - Jan. 12, 2025	2 (as part of the aggregate duck bag)
American coot and gallinule	Oct. 19 - Jan. 31, 2025	25 (singly or in the aggregate)
Snipe	Oct. 17 - Jan. 31, 2025	8
Virginia rail & sora	Sept. 14 - Nov. 22	25 (singly or in the aggregate)
Goose	north zone: Sept. 21 - Oct. 6 and Nov. 2 - Jan. 31, 2025	5 Canada geese, 10 white-fronted geese and 20 light geese
	south zone: Oct. 17 - Jan. 31, 2025	

[19.31.6.11 NMAC - Rp, 19.31.6.11 NMAC, 9/1/2024]

19.31.6.12 FALCONRY SEASONS: 2024-2025 season, all dates are 2024 unless otherwise specified. Bag limits are three singly or in the aggregate and nine in possession unless otherwise specified.

CENTRAL FLYWAY		
species	open areas	season dates
mourning and white-winged dove	north	Sept. 1 - Dec. 4 and Dec. 21 - Jan. 1, 2025
	south	Sept. 1 - Nov. 5 and Nov. 22 - Jan. 1, 2025
band-tailed pigeon	southwest BPHA	Oct. 1 - 14
	statewide except southwest BPHA	Sept. 1 - 14
sora and Virginia rail	all	Sept. 14 - Dec. 28
snipe	all	Oct. 12 - Jan. 26, 2025
gallinule	all	Sept. 14 - Dec. 28
ducks and coots	north	Sept. 14 - 22 and Oct. 12 - Jan 15, 2025
	south	Sept. 14 - 22 and Oct. 28 - Jan 31, 2025
goose (light and dark)	all	Oct. 17 - Jan. 31, 2025
goose (dark)	MRGV	Dec. 19 - Jan. 31, 2025
sandhill crane	regular (eastern)	Oct. 12 - Jan. 23, 2025; 3 (6 in possession)
	Estancia valley	Nov. 2 - Dec. 31; 3 (6 in possession)
PACIFIC FLYWAY		
species	open areas	season dates
mourning and white-winged dove	north	Sept. 1 - Dec. 4 and Dec. 21 - Jan. 1, 2025
	south	Sept. 1 - Nov. 5 and Nov. 22 - Jan. 1, 2025
band-tailed pigeon	southwest BPHA	Oct. 1 - 14
	statewide except southwest BPHA	Sept. 1 - 14
ducks	all	Oct. 19 - Jan. 31, 2025
scaup	all	Oct. 19 - Jan. 12, 2025

goose (all)	north	Sept. 21 - Oct. 6 and Nov. 2 - Jan. 31, 2025
	south	Oct. 17 - Jan. 31, 2025
snipe	all	Oct. 17 - Jan. 31, 2025
coots and gallinule	all	Oct. 19 - Jan. 31, 2025
sora and Virginia rail	all	Sept. 14 - Nov. 22

[19.31.6.12 NMAC - Rp, 19.31.6.12 NMAC, 9/1/2024]

19.31.6.13 RESERVED

[19.31.6.13 NMAC - Rp, 19.31.6.13 NMAC, 9/1/2022; Repealed, 9/1/2024]

19.31.6.14 REQUIREMENTS FOR THE SPECIAL BERNARDO YOUTH WATERFOWL UNIT: Blind selection will be available on a first-come, first-serve basis from one-half hour before sunrise to 1:00 p.m. Youth hunters must be accompanied by a supervising adult who may not hunt. A maximum of four people, at least half of which must be youth hunters, is allowed per blind.

[19.31.6.14 NMAC - Rp, 19.31.6.14 NMAC, 9/1/2024]

19.31.6.15 SEASON DATES, OPEN AREAS, BAG LIMITS, HUNT CODES AND PERMIT NUMBERS FOR THE SPECIAL ESTANCIA VALLEY, MIDDLE RIO GRANDE VALLEY AND SOUTHWEST NEW MEXICO SANDHILL CRANE SEASONS:

A. The daily bag limit is 3. The possession limit is twice the daily bag limit, except for the MRGV youth-only hunt where the daily bag and possession limit is 3. The hunting seasons for 2024-2025 are:

hunt location	hunt dates	hunt code	permits
EV	Nov. 2 - Nov. 5 and Nov. 7 - Nov. 10	SCR-0-101	65
MRGV	Nov. 16 - 17	SCR-0-102	85
MRGV	Nov. 30 - Dec. 1	SCR-0-103	85
MRGV	Dec. 14 - 15	SCR-0-104	85
MRGV	Jan. 4 - 5, 2025	SCR-0-105	85
MRGV	Jan. 11 - 12, 2025	SCR-0-106	85
MRGV, youth-only	Nov. 23	SCR-0-107	24
SW	Nov. 2 - Nov. 10	SCR-0-108	75
SW	Jan. 4 - 5, 2025	SCR-0-109	75

B. Hunters who participate in the MRGV season shall be required to check-out at designated check stations when they harvest any sandhill cranes.

C. The department may cancel one or more EV, MRGV or SW sandhill crane hunts if harvest is expected to exceed our federal allocation of greater sandhill cranes.

[19.31.6.15 NMAC - Rp, 19.31.6.15 NMAC, 9/1/2024]

HISTORY OF 19.31.6 NMAC:

Pre-NMAC Filing History: The material in this part was derived from that previously filed with the State Records Center & Archives under: Regulation No. 486, Establishing 1967 Seasons On Quail, Pheasants, Prairie Chickens, and Lesser Sandhill (Little Brown) Crane And Additional Seasons On Migratory Waterfowl, filed 9/22/67; Regulation No. 494, Establishing 1968 Seasons On Migratory Waterfowl, Common Snipe, Lesser Sandhill Crane, Scaled, Gambel's, And Bobwhite Quail, Pheasants, And Prairie Chickens, filed 10/2/68; Regulation No. 508, Establishing 1969 Seasons On Migratory Waterfowl, Lesser Sandhill Crane, Scaled, Gambel's And Bobwhite Quail, Pheasants, And Prairie Chickens, filed 9/19/69; Regulation No. 527, Establishing 1971 Seasons On Migratory Waterfowl And Lesser Sandhill Cranes, filed 9/10/71; Regulation No. 540, Establishing 1972 Seasons On Migratory Waterfowl, Lesser Sandhill Crane, And Wilson's Swipe, filed 9/26/72; Regulation No. 551, Establishing 1973 Seasons On Migratory Waterfowl And Lesser Sandhill Crane, filed 8/20/73; Regulation No. 560, Establishing 1974 Seasons On Migratory Waterfowl, Lesser Sandhill

Crane, Quail, Pheasants, And Prairie Chickens, filed 8/21/74; Regulation No. 570, Establishing 1975 Seasons On Migratory Waterfowl, Lesser Sandhill Crane, Common Snipe, Quail, Pheasants, And Prairie Chickens, filed 9/5/75; Regulation No. 578, Establishing 1976 Seasons On Migratory Waterfowl, Lesser Sandhill Crane, Common Snipe, Quail, Pheasants, And Prairie Chickens, filed 8/31/1976; Regulation No. 588, Establishing 1977 Seasons On Migratory Waterfowl, Lesser Sandhill Crane, Common Snipe, Quail, Pheasants, And Prairie Chickens, filed 9/6/1977; Regulation No. 594, Establishing 1978 Seasons On Migratory Waterfowl, Lesser Sandhill Crane, Quail, Pheasants, And Prairie Chickens, filed 9/11/1978; Regulation No. 601, Establishing 1979 Seasons on Migratory Waterfowl, Lesser Sandhill Crane, Quail, Pheasants, And Prairie Chickens, filed 8/30/1979; Regulation No. 606, Establishing 1980 Seasons On Migratory Waterfowl, Lesser Sandhill Crane, Quail, Pheasants, And Prairie Chickens, filed 9/3/80; Regulation No. 611, Establishing 1981 Seasons On Migratory Waterfowl, Lesser Sandhill Crane, Quail, Pheasants, And Prairie Chickens, filed 9/4/1981; Regulation No. 616, Establishing 1982 Seasons On Migratory Waterfowl, Quail, Pheasants, And Prairie Chickens, filed 9/3/1982; Regulation No. 626, Establishing 1983 Seasons On Migratory Waterfowl, Quail, Pheasants, And Prairie Chickens, filed 9/7/1983; Regulation No. 631, Establishing 1984 Seasons On Migratory Waterfowl, filed 8/31/1984; Regulation No. 638, Establishing 1985 Seasons On Migratory Waterfowl, filed 9/11/1985; Regulation No. 643, Establishing 1986-1987 Seasons On Migratory Birds, filed 8/24/1987; Regulation No. 660, Establishing 1988-1989 Seasons On Migratory Birds, filed 6/28/1988; Regulation No. 669, Establishing 1989-1990 Seasons On Ducks, Geese, Virginia Rail, Sora, Common Moorhen, American Coot, Sandhill Crane, Band-tailed Pigeon, Dove, And Setting Falconry Seasons,

filed 10/5/1989; Regulation No. 680, Establishing 1990-1991 Seasons On Ducks, Geese, Virginia Rail, Sora, Common Moorhen, American Coot, Common Snipe And Setting Falconry Seasons, filed 9/28/1990; Regulation No. 687, Establishing 1991-1992 Seasons On Ducks, Geese, Virginia Rail, Sora, Common Moorhen, American Coot, Common Snipe And Setting Falconry Seasons, filed 8/6/1991; Regulation No. 698, Establishing 1991-92 Seasons On Ducks, Geese, Virginia Rail, Sora, Common Moorhen, American Coot, Common Snipe And Setting Falconry Seasons, filed 8/6/1991; Regulation No. 698, Establishing 1992-1993 Seasons On Ducks, Geese, Virginia Rail, Sora, Common Moorhen, American Coot, Common Snipe And Setting Falconry seasons, filed 9/15/1992; Regulation No. 704, Establishing 1993-1994 Seasons On Ducks, Geese, Virginia Rail, Sora, Common Moorhen, American Coot, Common Snipe And Setting Falconry Seasons, filed 3/11/1993; Regulation No. 707, Establishing The 1994-1995, 1995-1996, 1996-1997 Seasons On Ducks, Geese, Virginia Rail, Sora, Common Moorhen, American Coot, Common Snipe, And Setting Falconry Seasons, filed 7/28/1994; Regulation No. 708, Establishing The 1994-1995, 1995-1996, And 1996-1997 Seasons On Ducks, Geese, Virginia Rail, Sora, Common Moorhen, American Coot, Common Snipe, And Setting Falconry Seasons, filed 9/7/1994.

NMAC History:

19 NMAC 31.6, Waterfowl, filed 8/31/1995
 19.31.6 NMAC, Waterfowl, filed 8/15/2000
 19.31.6 NMAC, Waterfowl, filed 8/26/2002
 19.31.6 NMAC, Waterfowl, filed 8/12/2003
 19.31.6 NMAC, Waterfowl, filed 8/2/2004
 19.31.6 NMAC, Waterfowl, filed 8/8/2005
 19.31.6 NMAC, Waterfowl, filed 8/1/2006
 19.31.6 NMAC, Waterfowl, filed 8/16/2007

19.31.6 NMAC, Migratory Game Bird, filed 8/13/2008
 19.31.6 NMAC, Migratory Game Bird, filed 8/17/2009
 19.31.6 NMAC, Migratory Game Bird, filed 8/2/2010
 19.31.6 NMAC, Migratory Game Bird, filed 8/1/2011
 19.31.6 NMAC, Migratory Game Bird, filed 8/14/2012
 19.31.6 NMAC, Migratory Game Bird, filed 8/29/2013

History of Repealed Material:

19.31.6 NMAC, Waterfowl, filed 8/15/2000 - duration expired 3/31/2002
 19.31.6 NMAC, Waterfowl, filed 8/26/2002 - duration expired 3/31/2003
 19.31.6 NMAC, Waterfowl, filed 8/12/2003 - duration expired 3/31/2004
 19.31.6 NMAC, Waterfowl, filed 8/2/2004 - duration expired 3/31/2005
 19.31.6 NMAC, Waterfowl, filed 8/8/2005 - duration expired 3/31/2006
 19.31.6 NMAC, Waterfowl, filed 8/1/2006 - duration expired 3/31/2007
 19.31.6 NMAC, Waterfowl, filed 8/16/2007 - duration expired 3/31/2008
 19.31.6 NMAC, Migratory Game Bird, filed 8/13/2008 - duration expired 3/31/2009
 19.31.6 NMAC, Migratory Game Bird, filed 8/17/2009 - duration expired 3/31/2010
 19.31.6 NMAC, Migratory Game Bird, filed 8/2/2010 - duration expired 3/31/2011
 19.31.6 NMAC, Migratory Game Bird, filed 8/1/2011 - duration expired 3/31/2012
 19.31.6 NMAC, Migratory Game Bird, filed 8/14/2012 - duration expired 3/31/2013
 19.31.6 NMAC, Migratory Game Bird, filed 8/29/2013 - duration expired 3/31/2014
 19.31.6 NMAC, Migratory Game Bird, filed 8/31/2014 - duration expired 3/31/2015
 19.31.6 NMAC, Migratory Game Bird, filed 9/1/2015 - duration expired 3/31/2016
 19.31.6 NMAC, Migratory Game Bird, filed 6/30/2016 - duration

expired 3/31/2017
 19.31.6 NMAC, Migratory Game Bird, filed 7/27/2017 - duration expired 3/31/2018
 19.31.6 NMAC, Migratory Game Bird, filed 7/2/2018 - duration expired 3/31/2019
 19.31.6 NMAC, Migratory Game Bird, filed 8/28/2019 - duration expired 3/31/2020
 19.31.6 NMAC, Migratory Game Bird, filed 8/13/20 - duration expired 3/31/2021
 19.31.6 NMAC, Migratory Game Bird, filed 8/12/21 - duration expired 3/31/2022
 19.31.6 NMAC, Migratory Game Bird, filed 7/27/22 - duration expired 3/31/2023
 19.31.6 NMAC, Migratory Game Bird, filed 8/3/23 - duration expired 3/31/2024
 19.31.6 NMAC, Migratory Game Bird, filed 8/15/24 - duration expired 3/31/2025

GAME AND FISH DEPARTMENT

**TITLE 19 NATURAL RESOURCES AND WILDLIFE
 CHAPTER 31 HUNTING AND FISHING
 PART 17 BIGHORN SHEEP**

19.31.17.1 ISSUING
AGENCY: New Mexico department of game and fish.
 [19.31.17.1 NMAC - Rp, 19.31.17.1 NMAC, 4/1/2025]

19.31.17.2 SCOPE:
 Sportspersons interested in bighorn sheep management and hunting. Additional requirements may be found in Chapter 17 NMSA 1978, and Chapters 30, 31, 32 and 33 of Title 19 NMAC.
 [19.31.17.2 NMAC - Rp, 19.31.17.2 NMAC, 4/1/2025]

19.31.17.3 STATUTORY AUTHORITY: Sections 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission

has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected mammals, birds, and fish.
 [19.31.17.3 NMAC - Rp, 19.31.17.3 NMAC, 4/1/2025]

19.31.17.4 DURATION:
 April 1, 2025 through March 31, 2027.
 [19.31.17.4 NMAC - Rp, 19.31.17.4 NMAC, 4/1/2025]

19.31.17.5 EFFECTIVE DATE: April 1, 2025 unless a later date is cited at the end of a section.
 [19.31.17.5 NMAC - Rp, 19.31.17.5 NMAC, 4/1/2025]

19.31.17.6 OBJECTIVE:
 Establishing open hunting seasons and regulations, rules, and procedures governing the distribution and issuance of bighorn sheep licenses by the department.
 [19.31.17.6 NMAC - Rp, 19.31.17.6 NMAC, 4/1/2025]

19.31.17.7 DEFINITIONS:
A. "Department" shall mean the New Mexico department of game and fish.
B. "Director" shall mean the director of the New Mexico department of game and fish.
C. "Either sex" or "ES" shall mean any one animal of the species.
D. "Ewe" shall mean any female bighorn sheep.
E. "Game management unit" or "GMU" shall mean those areas as described in 19.30.4 NMAC Boundary Descriptions for Game Management Units.
F. "Ram" shall mean any male bighorn sheep.
G. "Wildlife management areas" or "WMAs" shall mean those areas as described in 19.34.5 NMAC Wildlife Management Areas.
 [19.31.17.7 NMAC - Rp, 19.31.17.7 NMAC, 4/1/2025]

19.31.17.8 ADJUSTMENT OF LICENSES: The director, with the verbal concurrence of the New Mexico state game commission chairperson or their designee, may adjust the number of bighorn licenses to address significant changes in population levels or to address critical department management needs. The director may change or cancel any or all hunts on military lands to accommodate closures on those lands; if changed, the season length and bag limit shall remain the same as assigned on the original hunt code.
 [19.31.17.8 NMAC - Rp, 19.31.17.8 NMAC, 4/1/2025]

19.31.17.9 BIGHORN SHEEP LICENSE APPLICATION REQUIREMENTS AND RESTRICTIONS:

A. Rocky mountain bighorn sheep ram once-in-a-lifetime hunts: It shall be unlawful for anyone to apply for a Rocky mountain bighorn sheep ram license if one has previously held a license to hunt a Rocky mountain bighorn sheep ram in New Mexico, except those who have held a youth-only, private land-only (not obtained through the public draw), population management license for ram or ES that the director, with verbal concurrence of the chairperson or their designee, has decided does not qualify as once-in-a-lifetime, auction, and/or raffle bighorn ram license(s). A person that has received the youth-only ram license is eligible for this hunt only once as a youth (under age 18), but may apply for the other Rocky mountain and desert bighorn once-in-a lifetime hunts as long as they are eligible.

B. Desert bighorn sheep ram once-in-a-lifetime hunts: It shall be unlawful for anyone to apply for a desert bighorn sheep ram license if one has previously held a license to hunt a desert bighorn sheep ram in New Mexico, except those who have held a youth-only, private land-only (not obtained through the public draw), population management license for ram or ES that the director, with verbal concurrence of the chairperson or their designee, has

decided does not qualify as once-in-a-lifetime, auction, and/or raffle bighorn ram license(s). A person that has received the youth-only ram license is eligible for this hunt only once as a youth (under age 18), but may apply for the other Rocky mountain and desert bighorn once-in-a lifetime hunts as long as they are eligible.

C. Rocky mountain bighorn sheep ewe hunts: This hunt is not a once-in-a-lifetime hunt. A person that has previously held a license to hunt Rocky mountain bighorn rams or ewes is eligible to apply for this hunt. [19.31.17.9 NMAC - Rp, 19.31.17.9 NMAC, 4/1/2025]

19.31.17.10 SEALING OF RAM HORNS: A seal shall be affixed to a horn of every bighorn sheep ram head taken in New Mexico, imported into New Mexico, or found in the field in New Mexico subsequent to August 17, 1973. Bighorn sheep heads found in the field within New Mexico shall remain the property of the state until disposed of by permit from the director. The seal shall authorize possession and transportation of the head within New Mexico.

A. Such sealing shall be done within ten days after the bighorn sheep ram head is taken, imported, or found in the field and before the bighorn sheep head is exported from New Mexico. Bighorn sheep ram heads not so declared shall be seized. Only legally taken and possessed bighorn sheep ram heads from New Mexico shall be sealed.

B. Bighorn sheep ram heads legally sealed in other countries, states, tribal entities, provinces, and territories, and possessing a valid visible seal attached, are exempted.

C. It shall be unlawful to possess any bighorn sheep ram head which has not been sealed as described in this section.

[19.31.17.10 NMAC - Rp, 19.31.17.10 NMAC, 4/1/2025]

19.31.17.11 BIGHORN SHEEP HUNTING SEASONS: The 2023-24 through 2026-27 hunting seasons shall be as indicated below, listing the GMUs or areas open, eligibility requirements or restrictions, hunt dates, hunt codes, sporting arms, number of licenses, and bag limit. Additional eligibility requirements and restrictions are defined in Section 9 of 19.31.17 NMAC above.

A. Rocky mountain bighorn ram hunt for any big game sporting arms (BHS-1-201). Hunters applying for BHS-1-201 will be allowed to select and rank up to three open areas/hunt dates. The number of licenses available for BHS-1-201 will be up to 60 with a bag limit of one ram.

open GMUs or areas for BHS-1-201	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates
6	8/10-8/24	8/10-8/24	8/10-8/24	8/10-8/24
	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15
14, 18	TBD	TBD	TBD	TBD
16B, 22, 23, 24: including Double E WMA	1/1-1/31	1/1-1/31	1/1-1/31	1/1-1/31
45	8/4-8/13	8/9-8/18	8/8-8/17	8/7-8/16
	8/18-8/27	8/23-9/1	8/22-8/31	8/21-8/30
45, youth only	8/18-8/27	8/23-9/1	8/22-8/31	8/21-8/30
53 south of NM 38 and east of NM 522	8/6-8/15	8/6-8/15	8/6-8/15	8/6-8/15
	9/1-9/10	9/1-9/10	9/1-9/10	9/1-9/10
53 north of NM 38 and east of NM 522; 55 south of NM 196/FS Rd 1950	8/4-8/13	8/9-8/18	8/8-8/17	8/7-8/16
	8/18-8/27	8/23-9/1	8/22-8/31	8/21-8/30
49, 50, 53 west of NM 522	8/10-8/24	8/10-8/24	8/10-8/24	8/10-8/24
	9/1-9/15	9/1-9/15	9/1-9/15	9/1-9/15
	11/1-11/15	11/1-11/15	11/1-11/15	11/1-11/15
55 north of NM 196/FS Rd 1950	8/15/2023-1/15/2024	8/15/2024-1/15/2025	8/15/2025-1/15/2026	8/15/2026-1/15/2027
58	8/15/2023-1/15/2024	8/15/2024-1/15/2025	8/15/2025-1/15/2026	8/15/2026-1/15/2027

B. Private land Rocky mountain bighorn ram hunt for any big game sporting arms. The number of licenses available will be up to 6 with a bag limit of one ram.

open GMUs or areas	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates
55 north of NM 196/FS Rd 1950	8/15/2023-1/15/2024	8/15/2024-1/15/2025	8/15/2025-1/15/2026	8/15/2026-1/15/2027
58	8/15/2023-1/15/2024	8/15/2024-1/15/2025	8/15/2025-1/15/2026	8/15/2026-1/15/2027

C. Rocky mountain bighorn ewe hunt for any big game sporting arms (BHS-1-202). Hunters applying for BHS-1-202 will be allowed to select and rank up to three open areas/hunt dates. The number of licenses available for BHS-1-202 will be up to 150 with a bag limit of one ewe.

open GMUs or areas for BHS-1-202	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates
45	9/16-9/20	9/21-9/25	9/20-9/24	9/19-9/23
	9/30-10/4	10/5-10/9	10/4-10/8	10/3-10/7
45, youth only	9/30-10/4	10/5-10/9	10/4-10/8	10/3-10/7
49, 50, 53 west of NM 522	10/14-10/22	10/12-10/20	10/11-10/19	10/10-10/18
	11/18-11/26	11/16-11/24	11/15-11/23	11/21-11/29
	12/9-12/17	12/14-12/22	12/13-12/21	12/12-12/20
49, 50, 53 west of NM 522, youth only	11/18-11/26	11/16-11/24	11/15-11/23	11/21-11/29
53 south of NM 38 and east of NM 522	9/23-9/27	9/21-9/25	9/20-9/24	9/19-9/23
	10/7-10/11	10/5-10/9	10/4-10/8	10/3-10/7
53 south of NM 38 and east of NM 522, youth only	9/23-9/27	9/21-9/25	9/20-9/24	9/19-9/23
53 north of NM 38 and east of NM 522; 55 south of NM 196/FS Rd 1950	9/16-9/20	9/21-9/25	9/20-9/24	9/19-9/23
53 north of NM 38 and east of NM 522; 55 south of NM 196/FS Rd 1950, youth only	9/16-9/20	9/21-9/25	9/20-9/24	9/19-9/23

D. Rocky mountain bighorn ewe hunt for bow only (BHS-2-203). Hunters applying for BHS-2-203 will be allowed to select and rank up to three open areas/hunt dates. The number of licenses available for BHS-2-203 will be up to 60 with a bag limit of one ewe.

open GMUs or areas for BHS-2-203	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates
45	9/1-9/10	9/6-9/15	9/5-9/14	9/4-9/13
49, 50, 53 west of NM 522	9/16-9/30	9/16-9/30	9/16-9/30	9/16-9/30
53 south of NM 38 and east of NM 522	9/11-9/17	9/11-9/17	9/11-9/17	9/11-9/17
53 north of NM 38 and east of NM 522; 55 south of NM 196/FS Rd 1950	9/2-9/15	9/7-9/20	9/6-9/19	9/5-9/18
53 north of NM 38 and east of NM 522; 55 south of NM 196/FS Rd 1950, youth only	9/2-9/15	9/7-9/20	9/6-9/19	9/5-9/18

E. Desert bighorn ram hunt for any big game sporting arms (BHS-1-204). Hunters applying for BHS-1-204 will be allowed to select and rank up to three open areas/hunt dates. The number of licenses available for BHS-1-204 will be up to 60 with a bag limit of one ram.

open GMUs or areas for BHS-1-204	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates
13, 17	12/1-12/15	12/1-12/15	12/1-12/15	12/1-12/15
	12/16-12/31	12/16-12/31	12/16-12/31	12/16-12/31

19	12/14-12/21	12/14-12/21	12/14-12/21	12/14-12/21
	12/27/2023-1/3/2024	12/27/2024-1/3/2025	12/27/2025-1/3/2026	12/27/2026-1/3/2027
20: south of NM 51	11/16-11/30	11/16-11/30	11/16-11/30	11/16-11/30
	12/1-12/15	12/1-12/15	12/1-12/15	12/1-12/15
20: north of NM 51	8/18-8/27	9/13-9/22	8/15-8/24	9/11-9/20
		10/11-10/20		10/9-10/18
20: north of NM 51, youth only	11/17-11/26		11/21-11/30	
26, west of NM 81	9/15-9/30	9/15-9/30	9/15-9/30	9/15-9/30
	10/1-10/15	10/1-10/15	10/1-10/15	10/1-10/15
26, east of NM 81	9/15-9/30	9/15-9/30	9/15-9/30	9/15-9/30
	10/1-10/15	10/1-10/15	10/1-10/15	10/1-10/15
27	11/1-11/15	11/1-11/15	11/1-11/15	11/1-11/15
	11/16-11/30	11/16-11/30	11/16-11/30	11/16-11/30

F. Private land desert bighorn ram hunt for any big game sporting arms. The number of licenses available will be up to 6 with a bag limit of one ram.

open GMUs or areas	2023-2024 hunt dates	2024-2025 hunt dates	2025-2026 hunt dates	2026-2027 hunt dates
20: north of NM 51	9/15-9/24	8/16-8/25	9/12-9/21	8/14-8/23
	10/13-10/22	11/22-12/1	10/10-10/19	11/20-11/29

[19.31.17.11 NMAC - Rp, 19.31.17.11 NMAC, 4/1/2025]

19.31.17.12 SPECIAL BIGHORN SHEEP HUNTING OPPORTUNITIES: Bighorn sheep enhancement program:

A. Program description: The director shall collect all proceeds generated through the auction and lottery of special bighorn sheep permits, and such monies shall be deposited in the game protection fund. These monies shall be made available for expenditure by the department solely for programs and projects to benefit bighorn sheep and for costs incurred in carrying out these programs. These monies shall be used to augment, and not replace, monies appropriated from existing funds available to the department for the conservation, restoration, utilization, and management of bighorn sheep.

B. Requirements for issuance of special bighorn sheep licenses:

(1) The state game commission authorizes the director to issue not more than four special bighorn sheep licenses in any one license year to take one ram per license. The director shall allow the sale of one Rocky Mountain bighorn

sheep authorization and one desert bighorn sheep authorization through auction to the highest bidder, and one Rocky Mountain bighorn sheep authorization and one desert bighorn sheep authorization to a person selected through a random drawing of a lottery ticket. The drawing will be conducted by the department or an incorporated, non-profit organization dedicated to the conservation of bighorn sheep.

(2) Unless their hunting privileges have been revoked pursuant to law, any person is eligible to submit a bid for the special bighorn sheep auction authorization or purchase lottery tickets in an attempt to be selected for the special bighorn sheep lottery authorization.

(3) The special bighorn sheep authorizations issued through auction and lottery may be transferred, through sale, barter or gift by the successful individuals only to other individuals qualified to hunt.

(4) Special bighorn sheep licenses granted through auction or lottery, as described above, shall not be considered ‘once-in-a-lifetime’ licenses.

C. Enhancement hunts: These licenses shall be valid for any big game sporting arms statewide where hunting is allowed. The bag limit shall be one ram.

(1) Holders of the auction licenses must declare their exclusive hunt area by June 30 annually to hunt the designated subspecies in one of the open hunt areas. Each holder of the raffle license must declare their exclusive hunt area by July 20 annually to hunt the designated subspecies in one of the open hunt areas not declared by the auction hunter.

(2) The remaining hunt units open to bighorn hunting not declared by the auction or raffle hunter as their exclusive hunt area, may be hunted by either the auction or raffle hunter.

(3) The hunt dates for the auction and raffle licenses shall be 8/1-12/31 annually, except GMU 53 south of NM 38 and east of NM 522 is closed 8/16 to 8/31 annually to all bighorn sheep hunters. [19.31.17.12 NMAC - Rp, 19.31.17.12 NMAC, 4/1/2025]

19.31.17.13 BIGHORN SHEEP POPULATION MANAGEMENT HUNTS:

A. The director, with verbal concurrence of the chairperson of the New Mexico state game commission or their designee, may authorize population management hunts for bighorn sheep when justified in writing by department personnel and must be based on biological information or a potential to compromise population viability.

B. The director shall designate the sporting arms, season dates, season lengths, bag limits, hunt boundaries, specific requirements or restrictions, and number of licenses to be issued.

C. In the event that an applicant is not able to hunt on the dates specified, the applicant's name shall be moved to the bottom of the list and another applicant may be contacted for the hunt.

D. In those instances where a population management hunt is warranted on deeded private lands, the landowner may suggest eligible hunters of their choice by submitting a list of prospective hunters' names to the department for licensing consideration. No more than one-half of the total number of licenses authorized shall be available to landowner identified hunters. The balance of prospective hunters shall be identified by the department.

E. The director, with verbal concurrence of the chairperson of the New Mexico state game commission or their designee, may deem some ram or either sex population management licenses not once-in-a-lifetime; a person that has held a once-in-a-lifetime ram license(s) is not disqualified from this hunt.

[19.31.17.13 NMAC - Rp,
19.31.17.13 NMAC, 4/1/2025]

HISTORY OF 19.31.17 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: Regulation No. 482, Establishing Seasons On Deer, Bear, Turkey, Elk,

Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 5/31/1967; Regulation No. 487, Establishing 1967 Seasons On Javelina And Barbary Sheep, filed 12/15/1967; Regulation No. 489, Establishing Turkey Seasons For The Spring of 1968, filed 3/1/1968; Regulation No. 491, Establishing Big Game Seasons For 1968 For Jicarilla Reservation, filed 3/1/1968; Regulation No. 492, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 6/6/1968; Regulation No. 495, Establishing A Season On Bighorn Sheep, filed 10/2/1968; Regulation No. 496, Establishing An Elk Season In The Tres Piedras Area, Elk Area P-6, filed 12/11/1968; Regulation No. 502, Establishing Turkey Seasons For The Spring Of 1969, filed 3/5/1969; Regulation No. 503, Establishing 1969 Deer Seasons For Bowhunting Only And Big Game Seasons For The Jicarilla Indian Reservation, filed 3/5/1969; Regulation 504, Establishing Seasons on Deer, Bear, Turkey, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, And Barbary Sheep, filed 6/4/6199; Regulation No. 507, Establishing A Season On Bighorn Sheep, filed 8/26/1969; Regulation No. 512, Establishing Turkey Season For The Spring Of 1970, filed 2/20/1970; Regulation No. 513, Establishing Deer Season For Bowhunting Only In Sandia State Game Refuge, filed 2/20/1970; Regulation No. 514, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Barbary Sheep And Bighorn Sheep, filed 6/9/1970; Regulation No 520, Establishing Turkey Seasons For The Spring Of 1971, filed 3/9/1971; Regulation No. 522, Establishing 1971 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/9/1971;

Regulation No. 523, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, filed 6/9/1971; Regulation No. 531, Establishing A Season On Javelina, filed 12/17/1971; Regulation No. 532, Establishing Turkey Seasons For The Spring Of 1972, filed 3/20/1972; Regulation No. 534, Establishing 1972 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/20/1972; Regulation No. 536, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, filed 6/26/1972; Regulation No. 542, Establishing A Season On Javelina, filed 12/1/1972; Regulation No. 545, Establishing Turkey Seasons For The Spring Of 1973, filed 2/26/1973; Regulation No. 546, Establishing 1973 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 2/26/1973; Regulation No. 547, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, And Javelina, filed 5/31/1973; Regulation No. 554, Establishing Special Turkey Seasons For The Spring of 1974, filed 3/4/1974; Regulation No. 556, Establishing 1974 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/14/1974; Regulation No. 558, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex, filed 5/29/1974; Regulation No. 565, Establishing Special Turkey Seasons For The Spring Of 1975, filed 3/24/1975; Regulation No. 567, Establishing 1975 Seasons On Deer, Bear, And Turkey On The Jicarilla Apache And Navajo Indian Reservations And On

Elk On The Jicarilla Apache Indian Reservation, filed 3/24/1975;
 Regulation No. 568, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 6/25/1975;
 Regulation No. 573, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/1976;
 Regulation No. 583, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/11/1977;
 Regulation No. 590, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/15/78;
 Regulation No. 596, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/1979;
 Regulation No. 603, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1980 through March 31, 1981, filed 2/22/1980;
 Regulation No. 609, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1981 through March 31, 1982, filed 3/17/1981;
 Regulation No. 614, Establishing Open Seasons On Deer, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1982 through March 31, 1983, filed 3/10/1982;
 Regulation No. 622, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1983 through March 31, 1984, filed 3/9/1983;

Regulation No. 628, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1984 through March 31, 1985, filed 4/2/1984;
 Regulation No. 634, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1985 Through March 31, 1986, filed 4/18/1985;
 Regulation No. 640, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1986 through March 31, 1987, filed 3/25/1986;
 Regulation No. 645, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1987 through March 31, 1988, filed 2/12/1987;
 Regulation No. 653, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1988 through March 31, 1989, filed 12/18/1987;
 Regulation No. 663, Establishing Opening Spring Turkey For The Period April 1, 1989 through March 31, 1990, filed 3/28/1989;
 Regulation No. 664, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1989 through March 31, 1990, filed 3/20/1989;
 Regulation No. 674, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1990 through March 31, 1991, filed 11/21/1989;
 Regulation No. 683, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April

1, 1991 through March 31, 1992, filed 2/8/1991;
 Regulation No. 689, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1992 through March 31, 1993, filed 3/4/1992;
 Regulation No. 700, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1993 through March 31, 1995, filed 3/11/1993.

History of Repealed Material:

19.31.8 NMAC, Big Game, filed 3-1-2001 - duration expired 3/31/2003.
 19.31.8 NMAC, Big Game and Turkey, filed 3/3/2003 - duration expired 3/31/2005.
 19.31.8 NMAC, Big Game and Turkey, filed 12/15/2004 - duration expired 3/31/2007.
 19.31.17 NMAC, Bighorn Sheep, filed 12/1/2006 - duration expired 3/31/2009.
 19.31.17 NMAC, Bighorn Sheep, filed 2/26/2009 - duration expired 3/31/2011.
 19.31.17 NMAC, Bighorn Sheep, filed 9/15/2010 - duration expired 3/31/2015.
 19.31.17 NMAC, Bighorn Sheep, filed 3/17/2015 - duration expired 3/31/2019.
 19.31.17 NMAC, Bighorn Sheep, filed 5/31/2018 - duration expired 3/31/2023.
 19.31.17 NMAC, Bighorn Sheep, filed 8/25/2022 - duration expired 3/31/2025.
 19.31.17 NMAC, Bighorn Sheep, filed 8/15/2024 - duration expired 3/31/2027.

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**HEALTH CARE
AUTHORITY
DEPARTMENT
MEDICAL ASSISTANCE
DIVISION**

**TITLE 8 SOCIAL
SERVICES
CHAPTER 325 SPECIALTY
SERVICES
PART 12 MEDICATION
ASSISTED TREATMENT
SERVICES IN CORRECTIONAL
SETTINGS**

8.325.12.1 ISSUING
AGENCY: New Mexico Health Care Authority (HCA).
[8.325.12.1 NMAC - N, 9/1/2024]

8.325.12.2 SCOPE: This rule governs delivery of medication assisted treatment (MAT) for substance use disorder (SUD) (including medication for opioid use disorder or MOUD) to individuals in correctional facilities.
[8.325.12.2 NMAC - N, 9/1/2024]

8.325.12.3 STATUTORY AUTHORITY: The New Mexico medicaid program and other health care programs are administered pursuant to regulations promulgated by the federal department of health and human services under Title XIX of the Social Security Act as amended or by state statute. See Section 27-2-12 et seq., NMSA 1978.
[8.325.12.3 NMAC - N, 9/1/2024]

8.325.12.4 DURATION: Permanent.
[8.325.12.4 NMAC - N, 9/1/2024]

8.325.12.5 EFFECTIVE DATE: September 1, 2024, unless a later date is cited at the end of a section.

A. By December 31, 2025, the New Mexico corrections department (NMCD) operated correctional facilities shall provide continuation of medication-assisted treatment (MAT) services or medication for opioid use disorder (MOUD) in compliance with these regulations for individuals receiving

MAT or MOUD in the community or in a county detention facility prior to booking.

B. By June 30, 2026, NMCD operated correctional facilities shall initiate MAT or MOUD treatment services in compliance with these regulations for qualified individuals diagnosed with substance use disorder.
[8.325.12.5 NMAC - N, 9/1/2024]

8.325.12.6 OBJECTIVE:
The purpose of these regulations is to establish guidance and requirements for delivery of substance use disorder treatment and reentry services for persons diagnosed with substance use disorder in correctional facilities.
[8.325.12.6 NMAC - N, 9/1/2024]

8.325.12.7 DEFINITIONS:
A. Certified peer support worker (CPSW): Peer support workers who have successfully completed training with the behavioral health service division's office of peer recovery and engagement (OPRE) and have obtained certification from the New Mexico credentialing board of behavioral health professionals.

B. Clinical Assessment: A process of collecting clinical information and drawing conclusions using evidence based tools and best practices to help identify and choose pertinent interventions.

C. Community-based provider: An entity that provides substance use disorder (SUD) treatment services in the community in addition to a correctional facility.

D. Correctional facility: A state prison or county detention facility, whether operated by a government or private contractor, that is used for confinement of adult persons.

E. County detention facilities: Detention centers operated by local governments used for the confinement of adult persons.

F. Discharge planning: The process of determining a participant's continued

need for treatment services and may include development of a plan to address ongoing post-treatment needs, referral into another level of care or linkage of the individual to other support services.

G. Evidence-based: Best practices based on current scientific evidence.

H. Healthcare practitioner: A person licensed by a professional licensing board or authorized to provide health care in NM and may include physicians, physician assistants, nurse practitioners or clinician pharmacists.

I. Medication for opioid use disorder (MOUD): An approach to clinical treatment that uses federal food and drug administration (FDA) approved medications for persons diagnosed with opioid use disorder (OUD).

J. Medication-assisted treatment (MAT): The use of FDA-approved medications for the treatment of SUD.

K. Naloxone: An opioid antagonist used for the complete or partial reversal of an opioid overdose.

L. Narcotic treatment program (NTP): The drug enforcement agency's term for opioid treatment program (OTP).

M. New Mexico corrections department (NMCD): The state agency overseeing NM prison facilities whether operated by state government or a private contractor.

N. Opioid use disorder (OUD): A pattern of opioid use leading to clinically significant impairment or distress, as manifested by symptoms identified in the most recent publication of the diagnostic and statistical manual of mental disorders of the American psychiatric association or its successor.

O. Opioid treatment program (OTP): A clinic that has been certified and DEA-approved, under both federal (42 CFR Section 8) and state (7.32.8.1 NMAC and 8.321.2.30 NMAC) regulations to provide medication for OUD treatment services with methadone.

P. Peer support workers (PSW): Individuals who have been successful in their own recovery from SUD who help other individuals in their recovery process through shared understanding, respect, and mutual empowerment, reducing the likelihood of relapse.

Q. Program participant: A person who is incarcerated and diagnosed with SUD for whom medication is clinically indicated and who elects to participate in such treatment.

R. Reentry services: Resources offered that help individuals prepare for return to their communities after incarceration. Reentry services aim to reduce recidivism and improve public safety by supporting individuals toward independent living skills. Services may include psychological and financial counseling, education, skill development, employment, housing, transportation and various types of supportive services.

S. Screening: The use of an evidence-based tool and process to identify an individual's characteristics of substance use or dependency through established criteria.

T. Substance use disorder (SUD): A pattern of use of substances leading to clinical or functional impairment, in accordance with the definition in the diagnostic and statistical manual of mental disorders (DSM-5) of the American psychiatric association, or any subsequent editions.

U. Substance use disorder treatment: Treatment services provided by specifically trained, certified or licensed professionals. SUD treatment programs can include inpatient treatment, residential programs, partial hospitalization or day treatment, outpatient and intensive outpatient programs, opioid treatment programs, and primary care-based SUD treatment services.

V. Tapering guidelines: Guidance for the clinical process by which medications are safely reduced or discontinued.

W. Telemedicine: The delivery of health care services through interactive audio, video, or other electronic media used for diagnosis, consultation, or treatment.

X. Transitional services: Resources offered to provide a continuum of support to help ensure individuals engaged in SUD treatment services have seamless access to medication, treatment and other services as needed. For this rule, transitional services also applies to program participants moving between treatment programs within facilities.

Y. Withdrawal management: The medical and psychological care of patients who are experiencing withdrawal symptoms as a result of ceasing or reducing use of a substance.
[8.325.12.7 NMAC - N, 9/1/2024]

8.325.12.8 MISSION STATEMENT: We ensure New Mexicans attain their highest level of health by providing whole-person, cost-effective, accessible, and high-quality health care and safety-net services.
[8.325.12.8 NMAC - N, 9/1/2024]

8.325.12.9 PROGRAM REQUIERED ELEMENTS:
A. Identification of the type of treatment service delivery model(s) to be used by the correctional facility's treatment programs:

(1) Facility becomes an accredited/certified and DEA-registered opioid treatment program/narcotic treatment program (OTP/NTP).

(2) Facility contracts with medical service provider (to include onsite or telemedicine resources).

(3) Facility transport to OTP/NTP.

(4) Facility arranges for MOUD provider to come to the facility to provide services.

B. Screening and referral to assessment:

(1) A preliminary SUD screening shall be

administered during the correctional facility's in-take process. The screening instrument shall:

(a) follow evidence-based practices consistent with current scientifically-based and validated tools, protocols, or guidance for SUD treatment and services to identify all individuals who may have a SUD as well as individuals in need of withdrawal management services; and

(b) assure identification of individuals who are receiving continuation of SUD treatment (to include MAT and MOUD) in the community or in a county detention facility prior to placement to inform continuation of those services during the individual's incarceration.

(2) Individuals screened and referred for assessment, shall receive a comprehensive assessment and diagnostic evaluation for SUD. The clinical assessment and diagnostic evaluation shall:

(a) follow best practice and accepted general SUD guidelines; and

(b) serve as basis for provision of treatment services for those individuals diagnosed with a SUD for which there are federal food and drug administration (FDA) approved medications. For persons specifically identified with OUD, FDA-approved MAT/MOUD shall be offered.

(3) Beginning on July 1, 2026, current inmates and detainees may request SUD screening at any time during their incarceration, including prior to release, and this shall result in a referral for screening and assessment, if indicated.

C. MAT/MOUD Medications:

(1) The program shall include provision of all medications approved by the FDA for the treatment of SUD and withdrawal management to ensure that each program participant receives the medication identified to be the most effective at treating and meeting individual needs.

(2) The program shall provide existing or prospective program participants education regarding the FDA-approved medications for the treatment of SUD, including the benefits and risks.

(3) The decision as to which FDA-approved medication is prescribed, dispensed and administered shall be made by the healthcare practitioner in consultation with the program participant, taking into consideration security, health and safety level, and community resource availability. Transferring from one OUD medication to another to another may commence, if:

(a) the new medication is deemed medically necessary by a healthcare practitioner authorized to prescribe that new medication and the program participant consents to the change; or

(b) the program participant elects to commence the new medication, the new medication is FDA-approved to treat the program participant's SUD, and a qualified healthcare practitioner does not identify any absolute contraindication to the change.

(4) Program participants who are receiving MOUD during incarceration and who elect to discontinue MOUD shall receive education on the risks of MOUD discontinuation and supervised clinical taper from MOUD to avoid abrupt discontinuation of the medication.

(5) Program healthcare practitioners will assess program participants on an annual basis at a minimum but can choose to assess a program participant more frequently in order to determine their response to a given medication. Following the assessment (whether annual or interim), the healthcare practitioner may, in consultation with the program participant, recommend that the medication be continued, titrated or tapered. Education must be provided to the program participant regarding the benefits and risks of the clinical options and decision making.

D. Therapeutic services:

(1) An individualized treatment plan shall be created for each program participant.

(2) Group or individual counseling services with clinical support and supervision shall be provided where available. Treatment services, to include medication, shall not be withheld in the event of the lack of availability of counseling services.

(3) Service delivery shall offer engagement with qualified peer support workers or certified peer support workers.

E. Reentry services:

(1) Reentry planning for the program participant shall begin upon entry to the treatment program.

(2) Qualified peer support workers or certified peer support workers shall be engaged with the reentry process from the onset of the program participant's enrollment in the treatment program.

(3) Facilities shall ensure referral to a community-based provider if MAT/MOUD is indicated for a program participant and, despite best efforts, treatment initiation is not possible prior to release.

(4) Reentry planning shall occur to assure continuity of care in the community for program participants who received MAT/MOUD services for their SUD during incarceration and are exiting facilities.

(5) Reentry services for program participants receiving MAT/MOUD during incarceration, in order to promote success and safeguard from poor outcomes, shall include, but not be limited to:

(a) providing information and referral to available SUD treatment facilities and primary care clinical facilities in the program participant's area of release;

(b) referring program participants who are receiving treatment with methadone, to OTPs under medical

order and in compliance with current federal and state requirements and regulations regarding services' transfer;

(c) assisting program participants with information and resources for housing and regional resources that include job employment assistance, healthcare, transportation, and other safety-net services in community of release, including tribal programs and services;

(d) assisting program participants with information on and reactivation of medicaid/medicare enrollment and affiliation with a managed care organization (MCO) or fee for service for eligible participants; and

(e) assuring program participant access to naloxone rescue kits, or a prescription for a naloxone rescue kit as indicated in 33-2-51 NMSA 1978.

F. Transitional services (to include discharge):

(1) Transitional services shall include a warm handoff with a transition of care plan from sending entity (correctional facility medical provider) to receiving entity. This includes transition from county detention facility to state correctional facility and vice versa.

(2) Discharge planning shall include:

(a) linking to MAT/MOUD and other SUD services in the program participant's geographic area of residence;

(b) providing behavioral and medical health referrals;

(c) ensuring discharge prescription for naltrexone or buprenorphine products; and

(d) referring program participants who are receiving treatment with methadone, to OTPs under medical order and in compliance with current federal and state requirements and regulations to ensure continuity of care and access to MAT/MOUD.

(3) Program participants who are receiving MOUD during incarceration and who elect to discontinue MOUD upon their release shall receive education on the risks of MOUD discontinuation and supervised clinical taper from MOUD to avoid abrupt discontinuation of the medication.

(4) Program participants who are transitioning to a community or region that does not have resources available to continue treatment may receive supervised clinical taper from MOUD to avoid abrupt discontinuation of the medication.

G. Program participant safeguards:
Correctional facilities shall assure that:

(1) treatment services, once initiated, are available for the duration of a program participant’s period of incarceration;

(2) placement in the medication-assisted treatment program shall be offered to all qualified individuals, but participation shall not be mandatory;

(3) the program participant provides written consent to receive treatment services or to discontinue treatment services;

(4) no program participant shall be charged fees for SUD treatment services;

(5) MAT/ MOUD services shall not be denied to any eligible program participant as a form of disciplinary action unless that action is related to the diversion, abuse or misuse of the program’s prescribed medication; and

(6) program participants are provided the option to discontinue treatment services, should they choose to do so. (In such cases, discontinuation shall adhere to medically appropriate tapering guidelines and educational practices.)
[8.325.12.9 NMAC - N, 9/1/2024]

8.325.12.10 POLICIES AND PROCEDURES:

A. Every program shall establish written general policies, procedures and guidelines reflecting language in this rule in its entirety.

B. These established policies, procedures and guidelines shall further detail each of the following categories:

(1) Medication diversion:

(a) addressing prevention of diversion and misuse of MOUD;

(b) assuring diversion policies are visible in the facility;

(c) addressing consequential strategies for diversion, to include non-punitive approaches for remediation instead of immediately terminating from the program; and

(d) addressing critical incident reporting.

(2) Screening and treatment of pregnant individuals in compliance with 31.3.11 NMSA 1978.

(3) Withdrawal management:

(a) screening (clinical opiate withdrawal scale (COWS) or its equivalent) and assessment to discern level of withdrawal intensity, e.g. mild, moderate or severe;

(b) monitoring the individual;

(c) describing roles and responsibilities for staff;

(d) identifying treatment and supportive care to include assurances of the following:

(i) withdrawal treatment is planned and supervised by the program medical director;

(ii) dose reduction occurs at a rate deemed medically appropriate; and

(iii) program participant is informed of the risks of withdrawal treatment.

(4) Transition of care, to include:

(a) engaging and educating the program participant;

(b) assuring MCOs initiate transition

of care planning prior to release to facilitate continuity of care, and inclusion of tribal 638 or Indian health service program staff for transition in tribal communities for fee for service participants; and

(c) describing roles and responsibilities for staff.

(5) Medication tapering guidelines: Each of the following shall have its own guidelines:

(a) transferring patients to higher level of care based on medical necessity;

(b) assuring pregnancy and postpartum patient care; and

(c) providing reentry support.
[8.325.12.10 NMAC - N, 9/1/2024]

8.325.12.11 STAFFING, ADMINISTRATION AND EDUCATION: Correctional facilities shall:

A. Develop adequate staffing patterns including healthcare practitioners authorized by law to prescribe, administer, and monitor medication-assisted treatment (to include telehealth-supported clinical review or services if necessary).

B. Facilitate timely access to medication-assisted treatment, based upon the clinical need of the program participant.

C. Provide trainings and technical assistance on SUD (disease course and evidence-based treatment modalities), including OUD and MOUD on an ongoing basis for new and existing healthcare and custodial staff, ensuring that staff are educated on these topics from the beginning of their career.

D. Provide education and training that addresses and provides tools to combat the broader stigma associated with these topics and emphasizes medication treatment as the standard of care for OUD. The trainings shall meet national standards and be responsive to shifting needs in the facility.
[8.325.12.11 NMAC - N, 9/1/2024]

8.325.12.12 PROGRAM REPORTING AND EVALUATION

A. Beginning October 1, 2023, and annually thereafter, the HCA shall report to the interim legislative health and human services committee and the legislative finance committee on the establishment, operation and effectiveness of the program(s) established pursuant to Section 24-1-5.11 NMSA 1978.

B. NMCD shall submit program reports to HCA for review beginning August 31, 2024, and each year thereafter, as basis for HCA's compilation of report to interim legislative health and human services committee and the legislative finance committee.

C. County detention facilities, upon statutory mandate, shall submit annual program reports based on mutually agreed upon data elements (e.g., numbers screened, numbers referred to assessment, numbers qualified for program enrollment and enrollment in program).

D. The reports shall also include an evaluation section that demonstrated the impact on institutional safety and program performance and any recommendations for additional legislative enactments that may be needed or required to improve or enhance the programs as determined to be appropriate by the health care authority.
[8.325.12.12 NMAC - N, 9/1/2024]

8.325.12.13 RECORDKEEPING:

A. Records shall be maintained in writing or electronically reflecting each program participant's screening, placement and participation, including, but not limited to, the offer of placement, individualized treatment plan, medication regimen, establishment of reentry plan, and discharge medications or orders for released individuals.

B. Contemporary medication administration records shall be maintained in writing or electronically for every program

participant receiving MAT/MOUD pursuant to a facility's SUD treatment and transition services program.

C. Designated healthcare practitioners and other facility healthcare staff shall retain all records required by this section in the facility or shall otherwise have the ability to immediately access such records when necessary.

[8.325.12.13 NMAC - N, 9/1/2024]

HISTORY OF 8.325.12 NMAC: [RESERVED]

HEALTH CARE AUTHORITY DEPARTMENT MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.200.400 NMAC, Section 12, effective 9/1/2024.

8.200.400.12 [42 MONTHS] CONTINUOUS ELIGIBILITY FOR CHILDREN (42 CFR 435.926):

A. HSD provides continuous eligibility for the period specified in [~~Subsection B and C of 8.200.400.14~~] Subsection B and C of 8.200.400.12 NMAC for an individual who is:

- (1) Under age 19 and
- (2) Eligible and enrolled for mandatory or optional coverage under the State plan.

B. [~~The continuous eligibility period is 12 months. The continuous eligibility period begins on the effective date of the individual's eligibility or most recent redetermination or renewal of eligibility.~~] The continuous eligibility period is up to six years for children from birth until turning age six. A child enrolled for less than 12 months before turning age six is eligible for 12 months of continuous eligibility. The continuous eligibility period begins on the effective date of the individual's eligibility or most

recent redetermination or renewal of eligibility.

C. The continuous eligibility period is 12 months for children age six until turning age 19. The continuous eligibility period begins on the effective date of the individual's eligibility or most recent redetermination or renewal of eligibility.

[~~C~~] **D.** A child's eligibility may not be terminated during a continuous eligibility period, regardless of any changes in circumstances, unless:

- (1) the child attains the maximum age of 19;
- (2) the child or child's representative requests a voluntary termination of eligibility;
- (3) the child ceases to be a resident of New Mexico;
- (4) the agency determines that eligibility was erroneously granted at the most recent determination, redetermination or renewal of eligibility because of agency error or fraud, abuse, or perjury attributed to the child or the child's representative; or
- (5) the child dies.

[8.200.400.12 NMAC - Rp, 8.200.400.12 NMAC, 1/1/2019; A, 9/1/2024]

HEALTH CARE AUTHORITY DEPARTMENT MEDICAL ASSISTANCE DIVISION

This is an amendment to 8.200.410 NMAC, Sections 11 through 14, and 17, effective 9/1/2024.

8.200.410.11 CITIZENSHIP:

To be eligible for medicaid, an individual must be a citizen of the United States; United States national or a non-citizen who meets the requirements set forth in either Subsection A or B of 8.200.410.11 NMAC.

A. Non-citizens who entered the United States prior to

August 22, 1996: Non-citizens who entered the United States prior to August 22, 1996, will not be subject to the five-year bar for purposes of medicaid eligibility. These classes of non-citizens are as follows.

(1) Qualified non-citizens who entered the United States prior to August 22, 1996 and obtained their qualified non-citizens status prior to that date, are eligible for medicaid without the five-year waiting period.

(2) Non-citizens who entered the United States prior to August 22, 1996, and remained continuously present in the United States until the date they obtained qualified non-citizen status on or after August 22, 1996; any single absence from the United States of more than 30 days, or a total aggregate of absences of more than 90 days, is considered to interrupt “continuous presence”.

(3) Lawful Permanent Residents (LPRs) are qualified non-citizens per 8 USC 1641.

(4) A non-qualified non-citizen who was permanently residing in the United States under color of law (PRUCOL) on or before August 22, 1996, does not lose medicaid eligibility provided all other factors of eligibility continue to be met. These non-citizens are “grandfathered”. For these individuals, non-citizen eligibility may continue to be based on the PRUCOL standard. An individual eligible under the PRUCOL standard retains his or her grandfathering rights even if benefits terminate.

B. Qualified non-citizens who entered the United States on or after August 22, 1996:

(1) Qualified non-citizens who entered the United States on or after August 22, 1996, are barred from medicaid eligibility for a period of five years, other than emergency services (under Category 085), unless meeting an exception below. LPRs who adjust from a status exempt from the five-year bar are not subject to the five-year bar. The five-year bar begins on the date the non-

citizen obtained qualified status. The following classes of qualified non-citizens are exempt from the five-year bar:

(a) a non-citizen admitted to the United States as a refugee under Section 207 of the Immigration and Nationality Act;

(b) a non-citizen granted asylum under Section 208 of the Immigration and Nationality Act;

(c) a non-citizen whose deportation is withheld under Section 243(h) of the Immigration and Nationality Act;

(d) a non-citizen who is lawfully residing in the state and who is a veteran with an honorable discharge not on account of non-citizen status; is on active duty other than on active duty for training, in the armed forces of the United States; or the spouse or unmarried dependent child under the age of 18 of such veteran or active duty non-citizen;

(e) a non-citizen who was granted status as a Cuban and Haitian entrant, as defined in Section 501(e) of the Refugee Education Assistance Act of 1980;

(f) a non-citizen granted Amerasian immigrant status as defined under Section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1988;

(g) victims of a severe form of trafficking, in accordance with Paragraph (1) of Subsection B of Section 107 of the Trafficking Victims Protection Act of 2000, P.L. 106-386;

(h) members of a federally recognized Indian tribe, as defined in 25 U.S.C. 450b(e);

(i) American Indians born in Canada to whom Section 289 of the Immigration and Nationality Act applies;

(j) Afghan and Iraqi special immigrants under Section 8120 of Pub. L. 111-

118 of the Department of Defense Appropriations Act, 2010;

(k) non-citizens receiving SSI; and
(l)

battered non-citizens who meet the conditions set forth in Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) as added by Section 501 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, P.L. 104-208 (IIRIRA), and amended by Section 5571 of the Balanced Budget Act of 1997, P.L. 105-33 (BBA), and Section 1508 of the Violence Against Women Act of 200, P.L. 106-386; Section 431(c) of PRWORA, as amended, is codified at 8 USC 1641(c). HSD covers battered non-citizens with state general funds until the five-year bar is met.

~~[(m) — effective December 27, 2020, per section 208 of the Consolidated Appropriations Act, 2021 individuals who are considered compact of free-association migrants (COFA) are also referred to as compact citizens. COFA is an agreement between the United States and the three Pacific-Island sovereign states of Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau known as Freely Associated States.]~~

(2) Qualified non-citizen: A “qualified non-citizen”, for purposes of this regulation, is a non-citizen, who at the time the non-citizen applies for, receives, or attempts to receive a federal public benefit, is:

(a) a non-citizen who is lawfully admitted for permanent residence under the Immigration and Nationality Act;

(b) a non-citizen who is granted asylum under Section 208 of such act; or

(c) a refugee who is admitted to the United States under Section 207 of the act; or

(d) an Amerasian who is admitted to the United States under Section 207 of the act; or

(e) a non-citizen who is paroled into the

United States under Section 212(d)(5) of such act for a period of at least one year; or

(f) a non-citizen whose deportation is being withheld under Section 243(h) of such act or under Section 241(b)(3); or

(g) a non-citizen who is granted conditional entry pursuant to 203(a)(7) or such act as in effect prior to April 1, 1980; or

(h) a non-citizen who is a Cuban or Haitian entrant (as defined in Section 501(e) of the Refugee Education Assistance Act of 1980); or

(i) certain battered women and non-citizen children of battered parents (only those who have begun the process of becoming a lawful permanent resident under the Violence Against Women Act); or

(j) victims of a severe form of trafficking and their spouses, children, siblings, or parents; or

(k) members of a federally recognized Indian tribe, as defined in 25 U.S.C. 450b(e); or

(l) American Indians born in Canada to whom Section 289 of the Immigration and Nationality Act applies; or

(m) Afghan and Iraqi special immigrants under Section 8120 of Pub. L. 111-118 of the Department of Defense Appropriations Act, 2010.

~~[(3) Children under age 21 and pregnant women exempt from the five-year bar: As authorized by CHIPRA 2009 legislation, New Mexico medicaid allows lawfully residing children under age 21 and pregnant women, if otherwise eligible including meeting state residency and income requirements, to obtain medicaid coverage. Lawfully residing children under age 21 and pregnant women must meet the residency requirement as set forth in 8-200-410-12 NMAC. A child or pregnant woman is considered lawfully present if he or she is:]~~

C. Lawfully present:
New Mexico medicaid covers certain individuals who are lawfully residing in the United States. An individual is lawfully residing in the United States if they are lawfully present and otherwise meet the eligibility requirements, such as state residency and income requirements, in the state plan. The following individuals are lawfully present and are exempt from the five-year bar:

(1) Children under age 21 and pregnant individuals under Section 214 of the Children’s Health Insurance Program Reauthorization Act of 2009 (CHIPRA 214 option). A child or pregnant individual is considered lawfully present if they are:

(a) a qualified non-citizen as defined in Section 431 of PRWORA (8 USC Section 1641);

(b) a non-citizen in nonimmigrant status who has not violated the terms of the status under which [he or she was] they were admitted or to which [he or she has] they have changed after admission as defined under 8 USC 1101(a)(15);

(c) a non-citizen who has been paroled into the United States pursuant to Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. Section 1182(d)(5)) for less than one year, except for a non-citizen paroled for prosecution, for deferred inspection or pending removal proceedings;

(d) a non-citizen who belongs to one of the following classes:

(i) non-citizen currently in temporary resident status pursuant to Section 210 or 245A of the Immigration and Nationality Act (8 U.S.C. Section 1160 or 1255a, respectively);

(ii) [non-citizens currently under] non-citizens granted temporary protected status (TPS) pursuant to Section 244 of the Immigration and Nationality Act (8 U.S.C. Section 1254a), and pending applicants for TPS who have been granted employment authorization;

(iii) non-citizens who have been granted employment authorization under 8 CFR 274a.12(c)(9), (10), (16), (18), (20), (22), or (24);

(iv) family unity beneficiaries pursuant to Section 301 of Pub. L. 101-649, as amended including individuals who are granted benefits under Section 1504 of the Legal Immigration and Family Equity (LIFE) Act amendments of 2000;

(v) non-citizens currently under deferred enforced departure (DED) pursuant to a decision made by the president;

(vi) non-citizens currently in deferred action status except those with deferred action under “[Defined] deferred action for childhood arrivals” who are not considered lawfully present.

(vii) ~~[non-citizens whose visa petitions have been approved]~~ non-citizens who have pending or approved visa petitions and who have a pending application for adjustment of status;

(e) a non-citizen with pending applicants for asylum under Section 208(a) of the INA (8 U.S.C. Section 1158) or for withholding of removal under Section 241(b)(3) of the INA (8 U.S.C. Section 1231) or under the convention against torture who has been granted employment authorization, or is an applicant under the age of 14 ~~[and has had an application pending for at least 180 days];~~

(f) ~~[non-citizens whose applications for withholding of removal under the convention against torture have been granted;~~

(g) children who have pending or approved applications for special immigrant juvenile status as described in Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. Section 1101(a)(27)(J)); or

(h) non-citizens who are lawfully present in American Samoa under

~~the immigration laws of American Samoa; or~~

~~(h) (g)~~

victims of trafficking.

~~(2)~~

Effective December 27, 2020, per section 208 of the Consolidated Appropriations Act, 2021 individuals who are considered compact of free association migrants (COFA) are also referred to as compact citizens. COFA is an agreement between the United States and the three Pacific Island sovereign states of federated states of Micronesia, the republic of the Marshall Islands, and the republic of Palau known as freely associated states.

D. ~~(4)~~ Non-citizen sponsors (where an affidavit of sponsorship was executed pursuant to Section 213 of the Immigration and Nationality Act subsequent to August 22, 1996:)] The income and resources of a non-citizen sponsor, of any individual applying for medicaid, are deemed available to the applicant, when an affidavit of support is executed pursuant to Section 213 of the Immigration and Nationality Act, on or after August 22, 1996. This counting of non-citizen sponsor income and resources is effective until the sponsored non-citizen achieves citizenship.

E. ~~(5)~~ The state assures that it provides limited medicaid services for treatment of an emergency medical condition, not related to an organ transplant procedure, as defined in 1903(v)(3) of the social security act and 8.285.400 NMAC and implemented at 42 CFR 440.255, to the following individuals who meet all medicaid eligibility requirements, except documentation of citizenship or satisfactory immigration status or present an SSN.

(a) qualified non-citizens subject to the five-year waiting period described in 8 USC 1613; or

(b) non-qualified non-citizens, unless covered as a lawfully residing child or pregnant ~~woman~~ individual by the state under the option in accordance with 1903(v)(4) and implemented at

42 CFR 435.406(b).
[8.200.410.11 NMAC - Rp, 8.200.410.11 NMAC, 10/1/2017; A/E, 1/18/2018; A, 8/1/2018; A, 1/1/2022; A, 9/1/2024]

8.200.410.12 TYPES OF ACCEPTABLE DOCUMENTARY EVIDENCE OF CITIZENSHIP (42 CFR 435.407):

A. Stand-alone evidence of citizenship: The following must be accepted as sufficient documentary evidence of citizenship:

(1) A U.S. passport, including a U.S. passport card issued by the department of state, without regard to any expiration date as long as such passport or card was issued without limitation.

(2) A certificate of naturalization.

(3) A certificate of U.S. citizenship.

(4) A valid state-issued driver's license if the state issuing the license requires proof of U.S. citizenship, or obtains and verifies a SSN from the applicant who is a citizen before issuing such license.

(a) A real ID issued on or after November 14, 2016 is sufficient documentary evidence of citizenship.

(b) A driver authorization card (DAC) is not sufficient documentary evidence of citizenship.

(5) Documentary evidence issued by a federally recognized Indian tribe identified in the federal register by the bureau of Indian affairs within the U.S. department of the interior, and including tribes located in a state that has an international border, which;

(a) Identifies the federally recognized Indian tribe that issued the document;

(b) Identifies the individual by name; and

(c) Confirms the individual's membership, enrollment, or affiliation with the tribe.

(d)

Documents described in Paragraph (5) of Subsection A of 8.200.410.12 NMAC include, but are not limited to:

(i) A tribal enrollment card;

(ii) A certificate of degree of Indian blood;

(iii) A tribal census document;

(iv) Documents on tribal letterhead, issued under the signature of the appropriate tribal official, that meet the requirements of Paragraph (5) of Subsection A of 8.200.410.12 NMAC.

(6) A data match with the SSA.

B. Evidence of citizenship: If an applicant does not provide documentary evidence from the list in Subsection A of 8.200.410.12 NMAC, the following must be accepted as satisfactory evidence to establish citizenship if also accompanied by an identity document listed in Subsection C of 8.200.410.12 NMAC:

(1) A U.S. public birth certificate showing birth in one of the 50 States, the District of Columbia, Guam, American Samoa, Swain's Island, Puerto Rico (if born on or after January 13, 1941), the Virgin Islands of the U.S. or the Commonwealth of the Northern Mariana Islands (CNMI) (if born after November 4, 1986, (CNMI local time)). The birth record document may be issued by a state, commonwealth, territory, or local jurisdiction. If the document shows the individual was born in Puerto Rico or the Northern Mariana Islands before the applicable date referenced in Paragraph (1) of Subsection B of 8.200.410.12 NMAC, the individual may be a collectively naturalized citizen. The following will establish U.S. citizenship for collectively naturalized individuals:

(a) Puerto Rico: Evidence of birth in Puerto Rico and the applicant's statement that ~~he or she was~~ they were residing in the U.S., a U.S. possession, or Puerto Rico on January 13, 1941;

(b) Northern Mariana Islands (NMI) (formerly part of the Trust Territory of the Pacific Islands (TTPI));

(i) Evidence of birth in the NMI, TTPI citizenship and residence in the NMI, the U.S., or a U.S. Territory or possession on November 3, 1986, (NMI local time) and the applicant's statement that [he or she] they did not owe allegiance to a foreign state on November 4, 1986 (NMI local time);

(ii) Evidence of TTPI citizenship, continuous residence in the NMI since before November 3, 1981 (NMI local time), voter registration before January 1, 1975, and the applicant's statement that [he or she] they did not owe allegiance to a foreign state on November 4, 1986 (NMI local time);

(iii) Evidence of continuous domicile in the NMI since before January 1, 1974, and the applicant's statement that [he or she] they did not owe allegiance to a foreign state on November 4, 1986 (NMI local time). Note: If a person entered the NMI as a nonimmigrant and lived in the NMI since January 1, 1974, this does not constitute continuous domicile and the individual is not a U.S. citizen.

(2) A certification of report of birth, issued to U.S. citizens who were born outside the U.S.

(3) A report of birth abroad of a U.S. citizen.

(4) A certification of birth in the U.S.

(5) A U.S. citizen identification card.

(6) A Northern Marianas identification card issued by the U.S. department of homeland security (or predecessor agency).

(7) A final adoption decree showing the child's name and U.S. place of birth, or if an adoption is not final, a statement from a state-approved adoption agency that shows the child's name and U.S. place of birth.

(8) Evidence of U.S. civil service employment before June 1, 1976.

(9) U.S. military record showing a U.S. place of birth.

(10) A data match with the Systematic Alien Verification for Entitlements (SAVE) Program or any other process established by the department of homeland security (DHS) to verify that an individual is a citizen.

(11) Documentation that a child meets the requirements of section 101 of the Child Citizenship Act of 2000 as amended (8 U.S.C. 1431).

(12) Medical records, including, but not limited to, hospital, clinic, or doctor records or admission papers from a nursing facility, skilled care facility, or other institution that indicate a U.S. place of birth.

(13) Life, health, or other insurance record that indicates a U.S. place of birth.

(14) Official religious record recorded in the U.S. showing that the birth occurred in the U.S.

(15) School records, including pre-school, head start and daycare, showing the child's name and U.S. place of birth.

(16) Federal or state census record showing U.S. citizenship or a U.S. place of birth.

(17) If the applicant does not have one of the documents listed in Subsection A or Paragraph (1) through (17) of Subsection B of 8.200.410.12 NMAC, [he or she] they may submit an affidavit signed by another individual under penalty of perjury who can reasonably attest to the applicant's citizenship, and that contains the applicant's name, date of birth, and place of U.S. birth. The affidavit does not have to be notarized.

C. Evidence of identity:

(1) HSD will accept the following as proof of identity, provided such document has a photograph or other identifying information sufficient to establish identity, including, but not limited to, name, age, sex, race, height, weight, eye color, or address:

(a) Identity documents listed at 8 CFR 274a.2 (b)(1)(v)(B)(1), except a driver's license issued by a Canadian government authority.

(b) Driver's license issued by a state or territory.

(c) School identification card.

(d) U.S. military card or draft record.

(e) Identification card issued by the federal, state, or local government.

(f) Military dependent's identification card.

(g) U.S. coast guard merchant mariner card.

(h) For children under age 19, a clinic, doctor, hospital, or school record, including preschool or day care records.

(i) Two other documents containing consistent information that corroborates an applicant's identity. Such documents include, but are not limited to, employer identification cards; high school, high school equivalency and college diplomas; marriage certificates; divorce decrees; and property deeds or titles.

(2) Finding of identity from a federal or state governmental agency. The agency may accept as proof of identity a finding of identity from a federal agency or another state agency including but not limited to a public assistance, law enforcement, internal revenue or tax bureau, or corrections agency, if the agency has verified and certified the identity of the individual.

(3) If the applicant does not have any document specified in Paragraph (1) of Subsection C of 8.200.410.12 NMAC and identity is not verified under Paragraph (2) of Subsection C of 8.200.410.12 NMAC, the agency must accept an affidavit signed, under penalty of perjury, by a person other than the applicant who can reasonably attest to the applicant's

identity. Such affidavit must contain the applicant's name and other identifying information establishing identity, as described in Paragraph (1) of Subsection C of 8.200.410.12 NMAC. The affidavit does not have to be notarized.

D. Verification of citizenship by a federal agency or another state: HSD may rely, without further documentation of citizenship or identity, on a verification of citizenship made by a federal agency or another state agency, if such verification was done on or after July 1, 2006.

E. Assistance with obtaining documentation: HSD will provide assistance to individuals who need assistance in securing satisfactory documentary evidence of citizenship in a timely manner.

F. Documentary evidence: A photocopy, facsimile, scanned or other copy of a document must be accepted to the same extent as an original document under this section, unless information on the copy submitted is inconsistent with other information available to HSD or HSD otherwise has reason to question the validity of, or the information in, the document.

[8.200.410.12 NMAC - N, 10/1/2017; A, 1/1/2022; A, 9/1/2024]

8.200.410.13 REASONABLE OPPORTUNITY PERIOD (42 CFR 435.956(b)):

A. HSD provides a reasonable opportunity period to individuals who have made a declaration of citizenship or satisfactory immigration status in accordance with 42 CFR 435.406, and for whom the HSD is unable to verify citizenship or satisfactory immigration status. During the reasonable opportunity period, the HSD continues efforts to complete verification of the individual's citizenship or satisfactory immigration status, or request documentation if necessary. The HSD provides notice of such opportunity that is accessible to persons who have limited English proficiency and individuals with disabilities, consistent with 42 CFR

435.905(b). During such reasonable opportunity period, the HSD must, if relevant to verification of the individual's citizenship or satisfactory immigration status:

(1) in the case of individuals declaring citizenship who do not have an SSN at the time of such declaration, assist the individual in obtaining an SSN in accordance with 42 CFR 435.910 and Paragraph (2) of Subsection A of 8.200.410.10 NMAC, and attempt to verify the individual's citizenship once an SSN has been obtained and verified;

(2) provide the individual with information on how to contact the electronic data source so that ~~he or she~~ they can attempt to resolve any inconsistencies defeating electronic verification directly with such source, and pursue verification of the individual's citizenship or satisfactory immigration status if the individual or source informs the HSD that the inconsistencies have been resolved; and

(3) provide the individual with an opportunity to provide other documentation of citizenship or satisfactory immigration status, in accordance with section 1137(d) of the Act and 42 CFR 435.406 or 435.407 and 8.200.410.12 NMAC.

B. The reasonable opportunity period:

(1) begins on the date on which the notice is received by the individual. The date on which the notice is received is considered to be five days after the date on the notice, unless the individual shows that ~~he or she~~ they did not receive the notice within the five-day period; and

(2) ends on the earlier of the date the HSD verifies the individual's citizenship or satisfactory immigration status or determines that the individual did not verify his or her citizenship or satisfactory immigration status or 90 days except that;

(3) HSD extends the reasonable opportunity period beyond 90 days, allowing

for up to three 10 day extensions, for individuals declaring to be in a satisfactory immigration status if the HSD determines that the individual is making a good faith effort to obtain any necessary documentation or the agency needs more time to verify the individual's status through other available electronic data sources or to assist the individual in obtaining documents needed to verify his or her status.

(4) if, by the end of the reasonable opportunity period, the individual's citizenship or satisfactory immigration status has not been verified the HSD will take action within 30 days to terminate eligibility.

[8.200.410.13 NMAC - N, 10/1/2017; A, 9/1/2024]

8.200.410.14 RESIDENCE:

To be eligible for medicaid, an applicant or eligible recipient must be living in New Mexico on the date of application and final determination of eligibility and have demonstrated an intention to remain in the state.

A. Establishing residence: Residence is established by living in the state and carrying out the types of activities associated with day-to-day living, such as occupying a home, enrolling a child in school or getting a state driver's license. An applicant or recipient who is homeless is considered to have met the residence requirements if ~~he or she intends~~ they intend to remain in the state.

B. Recipients receiving benefits out-of-state: An applicant or an eligible recipient who receives financial or medical assistance in another state which makes residence in that state a condition of eligibility are considered residents of that state until the ISD office receives verification from the other state agency indicating that it has been notified by an applicant or eligible recipient of the abandonment of residence in that state.

C. Individuals court ordered into full or partial responsibility of the state children youth and families department

(CYFD): When CYFD places a child in a new state of residence, the new state of residence is responsible for the provision of medicaid; however, the state must provide limited medicaid coverage for medicaid services that are part of the state medicaid benefit package and not available in the new state of residence.

D. Abandonment:

Residence is not abandoned by temporary absences. Temporary absences occur when an eligible recipient leaves the state for specific purposes with time-limited goals. Residence is considered abandoned when the applicant or the eligible recipient leaves the state for any of the following reasons:

- (1) intends to establish residence in another state;
- (2) for no specific purpose with no clear intention of returning;
- (3) applies for financial, food or medical assistance in another state which makes residence in that state a condition of eligibility; or
- (4) for more than 30 consecutive calendar days, without notifying HSD of his or her departure or intention of returning.

E. Evidence of immigration status may not be used to determine that an individual is not a state resident per 42 CFR 435.956 (c) (2).

[8.200.410.14 NMAC - Rp, 8.200.410.12, 10/1/2017; A, 9/1/2024]

8.200.410.17 INMATE IN A PUBLIC INSTITUTION:

- A.** A public institution is a:
- (1) state and private correctional facility;
 - (2) county and privately operated jail;
 - (3) department of health behavioral health facility forensic unit;
 - (4) detention facility operated under the authority of CYFD; or
 - (5) facility that is operated under the authority

of CYFD that provides for the care and rehabilitation of an individual who is under 18 years of age and who has committed an act that would be designated as a crime under the law if committed by an individual who is 18 years of age or older.

B. An inmate is a person incarcerated in a public institution listed in Subsection A of 8.200.410.15 NMAC for 30 or more days.

C. An inmate who is incarcerated in a public institution is not eligible for MAP services. The only exception are those services provided to an inmate while [he or she is] they are an inpatient in a medical facility outside the public institution for 24 hours or longer.

D. Incarceration in a public institution is not a basis for denying or terminating a MAP category of eligibility. During the time of incarceration an inmate may apply or recertify for a MAP category of eligibility.

[8.200.410.17 NMAC - Rp, 8.200.410.15, 10/1/2017; A, 9/1/2024]

**HEALTH CARE
AUTHORITY
DEPARTMENT
MEDICAL ASSISTANCE
DIVISION**

This is an amendment to 8.291.400 NMAC, Section 11, effective 9/1/2024.

8.291.400.11 CONTINUOUS ELIGIBILITY FOR CHILDREN (42 CFR 435.926):

A. HSD provides continuous eligibility for the period specified in Subsection B and C of 8.291.400.11 NMAC for an individual who is:

- (1) under age 19; and
- (2) eligible and enrolled for mandatory or optional coverage under the state plan.

B. [~~The continuous eligibility period is 12 months. The continuous eligibility period~~

~~begins on the effective date of the individual's eligibility or most recent redetermination or renewal of eligibility.] The continuous eligibility period is up to six years for children from birth until turning age six. A child enrolled for less than 12 months before turning age six is eligible for 12 months of continuous eligibility. The continuous eligibility period begins on the effective date of the individual's eligibility or most recent redetermination or renewal of eligibility.~~

C. The continuous eligibility period is 12 months for children age six until turning age 19. The continuous eligibility period begins on the effective date of the individual's eligibility or most recent redetermination or renewal of eligibility.

~~[C:]~~ **D.** A child's eligibility may not be terminated during a continuous eligibility period, regardless of any changes in circumstances, unless:

- (1) the child attains the maximum age of 19;
- (2) the child or child's representative requests a voluntary termination of eligibility;
- (3) the child ceases to be a resident of New Mexico;
- (4) the agency determines that eligibility was erroneously granted at the most recent determination, redetermination or renewal of eligibility because of agency error or fraud, abuse, or perjury attributed to the child or the child's representative; or
- (5) the child dies.

[8.291.400.11 NMAC - Rp, 8.291.400.11 NMAC, 10/1/2017; A, 9/1/2024]

End of Adopted Rules

Other Material Related to Administrative Law

**AUDITOR, OFFICE OF
THE STATE****NOTICE OF MINOR,
NONSUBSTANTIVE
CORRECTION**

The Office of the State Auditor gives Notice of a Minor, Nonsubstantive Correction to 2.2.2 NMAC.

Pursuant to the authority granted under State Rules Act, Subsection D of Section 14-4-3 NMSA 1978, please note that the following minor, non-substantive corrections to spelling, grammar and format have been made to all electronic copies of the above rule, as follows:

Section 8: In Subsection G, paragraph (1), subparagraph (b), there was an errata amendment to change "...eight years..." to "...six years..." that was left from the initial proposed rule that was not changed, after the rule hearing, due to a clerical error. The existing language "... eight years..." was corrected in all electronic versions of the above rule.

A copy of this Notification will be filed with the official version of the above rule.

**End of Other Material
Related to Administrative
Law**

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Submittal Deadlines and Publication Dates

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Issue	Submittal Deadline	Publication Date
Issue 1	January 4	January 16
Issue 2	January 18	January 30
Issue 3	February 1	February 13
Issue 4	February 15	February 27
Issue 5	February 29	March 12
Issue 6	March 14	March 26
Issue 7	March 28	April 9
Issue 8	April 11	April 23
Issue 9	April 25	May 7
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Issue 20	October 10	October 22
Issue 21	October 24	November 5
Issue 22	November 7	November 19
Issue 23	November 26	December 10
Issue 24	December 12	December 23

The *New Mexico Register* is the official publication for all material relating to administrative law, such as notices of rulemaking, proposed rules, adopted rules, emergency rules, and other similar material. The Commission of Public Records, Administrative Law Division, publishes the *New Mexico Register* twice a month pursuant to Section 14-4-7.1 NMSA 1978. The *New Mexico Register* is available free online at: <http://www.srca.nm.gov/new-mexico-register/>. For further information, call 505-476-7941